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STREET ARTISTS PROGRAM COMMITTEE

AGENDAS AND MINUTES

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STREET ARTISTS PROGRAM COMMITTEE

RECOMMENDATIONS FROM MAY 25, 1982 MEETING

[Minutes] TO ART COMMISSION

FOR CONSENT CALENDAR:

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Deborah Horst - Certificate #2576 expired March 10, 1982; sent payment for renewal April 1, 1982.

APPROVAL

II REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Michael Lenzi - applied for certificate in February, 1979, and was notified January 20, 1981 to respond as to whether he was still interested in obtaining a certificate; he did not respond until April 16, 1982, when he requested consideration for priority above the waiting list in issuance of a certificate.

DISAPPROVAL

III BALLOT MEASURE TO AMEND SECTION 6 OF PROPOSITION "L" (1975 ELECTION) BY PROVIDING FOR CERTIFICATE FEE OF $28.00 PER QUARTER OR $112.00 PER YEAR; BY PROVIDING THE STREET ARTIST WITH OPTION TO PURCHASE QUARTERLY OR YEARLY CERTIFICATE; AND BY PROVIDING FOR BOARD OF SUPERVISORS TO INCREASE FEE WHEN NECESSARY TO MAINTAIN ADMINISTRATION AND ENFORCEMENT OF STREET ARTISTS PROGRAM

(At present, the certificate fee, fixed by Proposition "L", is $20.00 for a three-month certificate; there is no provision for the artist to purchase a yearly certificate; there is no provision for the Board of Supervisors to increase the fee.)

APPROVAL

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ART COMMISSION STREET ARTISTS PROGRAM COMMITTEE

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June 23, 1982
Commission Room, Main Library
Larkin & McAllister Streets
San Francisco

M I N U T E S

Chairman Taliaferro called the meeting to order at 10:00 a.m.

Present: Commissioners Taliaferro, Mayer, Goerner.

I REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Richard Z. Watson - applied April - May, 1980, and was notified September 23, 1981 for screening; office received his letter on April 21, 1982, requesting a hearing for priority. Mr. Watson did not appear at the hearing. No action was taken.

B. Christine Barnes - applied during July - October, 1979, and was notified February 27, 1981; notification was returned to office; Ms. Barnes requested a hearing May 13, 1982; Committee met with her May 25th. Ms. Barnes appeared and presented medical documentation supporting her absence from the Program. Commissioner Mayer moved that Ms. Barnes' request for priority in issuance of certificate be approved. The motion was seconded by Commissioner Goerner and unanimously approved.

II HEARING ON ESTABLISHING AN ORDINANCE FOR STREET PERFORMERS (continued from May 25 meeting)

Attending the hearing were John Timonthy, spokesman for several performers, Lloyd Pflueger, General Manager of the Downtown Association, and Captain Victor Macia and Officer West, Central Station, and Officer Lamont Suslow, Permit Section, San Francisco Police Department.

Mr. Timothy and the other performers informed the Committee of their efforts at crowd control. They presented a set of guidelines for performers, as agreed upon by themselves, the Police, and the Fisherman's Wharf merchants. They told the Commissioners that, in practice, most of the performers follow the guidelines. Commissioner Taliaferro asked if they felt the performers should rotate their locations; they answered that it might become necessary in order to accommodate the numbers of transient performers in July and August, but not necessary the rest of the year.

Program Director Lazar informed the Committee that, just before the meeting, Officers West and Suslow and he had met with Deputy City Attorney Teichman on the performer's guidelines, the Art Commission's involvement with performers, and whether there was a necessity for an ordinance. All parties, it appeared, were willing to attempt an alter-

Continued.....

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native to an ordinance; and Ms. Teichman had applauded the efforts of the Police, the merchants, and the performers. Under this alternative system, the Art Commission would act as an "agency" registering performers and handing them the set of guidelines as well as a card attesting to the fact that they have received the guidelines. In the Art Commission's registry, the performers could sign a statement authorizing the Commission to give out their telephone numbers (for possible jobs). Ms. Teichman made it clear that there was no legal requirement for the performers to register. Ms. Teichman had prepared a resolution for action by the Commission.

Commissioner Mayer moved that the Art Commission adopt the following resolution; the motion was seconded by Commissioner Goerner and unanimously approved. The recommended resolution is as follows:

> WHEREAS there has been a significant problem with sidewalk congestion in the Fisherman's Wharf area with respect to street performers; and
>
> WHEREAS the performers, the Police Department, and the merchants of the Wharf area have considered the problem and prepared a set of guidelines to alleviate it; and
>
> WHEREAS street performing is a long-standing and colorful tradition in San Francisco which should be preserved,
>
> NOW, THEREFORE, BE IT RESOLVED that the Art Commission congratulates the street performers, the Police Department, and the merchants on their efforts, and hereby endorses these efforts to resolve the problem on a voluntary basis, and,
>
> BE IT FURTHER RESOLVED that the Art Commission recommends the guidelines prepared by the parties to all street performers in San Francisco, and
>
> BE IT FURTHER RESOLVED that the Art Commission authorizes the Director of Cultural Affairs to make the good offices of the Art Commission available to support this effort.

The performers present said they had formed an association and would take responsibility in informing all performers to obtain the guidelines; they would ascertain that all performers had their cards and would tell others to obtain theirs at the Art Commission.

Captain Macia said that his department planned to meet with the performers frequently. The last resort, he said, is the citation and arrest procedure, but his department had wanted to avoid that.

Chairman Taliaferro clarified that the Commission would be dealing with fifteen to twenty performers at the Wharf, as opposed to the several hundred street artists of the Street Artists Program.

Continued.....

III HEARING ON LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1, AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1 (continued from April 27 meeting)

Mr. Lloyd Pflueger of the Downtown Association told the Committee that his organization wanted to be certain that the street artists continue to operate under the present regulations until the regulations are changed.

Commissioner Goerner requested that the matter be held over for the next thirty days to allow for the artists to continue their meetings with the merchants in seeking a resolution to the issue of additional spaces in the Wharf area. The other Commissioners agreed that it be held over.

IV DIRECTOR'S REPORT OF MONITORING STREET ARTIST ACTIVITIES

Program Director Lazar discussed the lack of adherance to the Art Commission's criteria on the part of many of the displays observed in the Downtown area. In contrast, he said, most of the displays at the Wharf adhered to the rules, except for the most salient craft: beadcraft. He presented photographs taken of thirteen alleged violations of beadcraft criteria (thirteen displays) which showed pendants and crystals allegedly not made by the artists selling them.

Street artist William Clark called for a cleaning up of the imported brass bracelts being sold.

Mr. Lazar informed the Committee that he intended to write to each of the persons whose wares were depicted in the photos, informing them that the Commission had on record photos of alleged violation and warning them that if the alleged violation persisted, they would be notified for a certificate revocation hearing. Mr. Lazar asked the Committee whether the artists should be allotted one or two written warnings. Commissioners Goerner and Taliaferro replied that there should be no warnings issued, as the rules had been published for some time, and that Mr. Lazar should notify the individuals for a hearing.

V CERTIFICATE RENEWAL POLICY

Director Lazar said that since the Assistant Director and he were out of the office a good deal of time inspecting wares on the street, there would be a hardship on artists coming to the office to renew and finding no one there. He submitted a proposal for a new renewal policy, as had been suggested by a street artist. Commissioner Goerner moved that the Committee recommend the following policy; the motion was seconded by Commissioner Taliaferro and unanimously approved. The recommendation is as follows:

Continued.....

CERTIFICATE RENEWAL PROCEDURE: Whenever a street artist comes to the Street Artists Program office for renewal of certificate, the artist may sign and leave on file two blank certificate cards and necessary postage for mailing of the cards; upon receipt of the artist's mailed payment for each of the next two renewals, the staff shall validate and laminate the signed card and shall mail it to the artist.

VI WILLIAM CLARK AND CLARENCE STANBROUGH DISPUTE OVER SALES SPACE

Director Lazar informed the Committee that on June 11th street artist William Clark had submitted a report on the behavior of street artist Clarence Stanbrough in the selection of a sales space (Lazar had sent copies of the report to the Commissioners).

Mr. Clark explained his version of the events. He said he had refrained from calling the Police because he had not been interested in having Mr. Stanbrough arrested. He said he was more interested in having the lottery's space-occupancy rule clarified for Mr. Stanbrough's benefit. He added that he did not feel there was a need for punishment, but that since he (Mr. Clark) had lost his space for that day, he requested that he be given a choice of spaces at the following Thursday's lottery.

Mr. Stanbrough explained his version of events. He requested a clarification of "display": What constitutes a display - merely a vacant table, or the artist selling behind it? He said he occupied Clark's space because it was not being used until Mr. Clark came down at 2:30 to claim it.

Chairman Taliaferro requested Mr. Lazar to meet with the Lottery Committee and look at the language of the rule; if it needs to be revised, it should be placed on next month's agenda. The Commissioner recommended that Mr. Clark not be granted special privelege in the lottery.

Commissioner Goerner said that the Program Committee would not adjudicate personal disputes, and that he was concerned over whether the Program would operate in an adult manner or merit stronger enforcement.

VII APPEAL BY JIN KUN SUH OF ADVISORY COMMITTEE RECOMMENDATION

Director Lazar informed the Committee that the Advisory Committee of Street Artists and Craftsmen Examiners had examined samples of beadwork and kites shown by applicant Jin Kun Suh and had recommended denial of certification. According to the Program's Assistant Director, Mr. Suh, at his screening, had requested to appeal the recommendation to the Program Committee. Mr. Suh was sent a letter an an agenda to appear at the meeting. He did not appear. No action was taken.

The meeting adjourned at 11:30 a.m.

Respectfully submitted:
Howard Lazar
Howard Lazar, Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, July 28, 1982
10:00 a.m.

Main Library - Lurie Room (1st floor)
Larkin & McAllister Streets
San Francisco

A G E N D A

I ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: FINDINGS ON CRAFT VIOLATION REVIEWS 7/27/82

A. Gat Wah Lee Chen	Alleged Violation: One or more items displayed do not meet Art Comm. criteria (beadstringing criteria)	
B. Kathie Lou Eldridge	"	"
C. Mark Mandzik	"	"
D. E. W. Sky	"	"
E. Tad Sky	"	"
F. Latifa Rainbow	"	"
G. Suey Wah Lee Wu	"	"
H. Kam Wan Wu	"	"
I. Yu Chun Ngan Suen	"	"
J. Chik Yuk Suen	"	"
K. Helen I-Wu Chien	"	"

II HEARING ON LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24. 1, AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1 (continued from 6/23 meeting)

III REQUEST BY FORMER CERTIFICATE HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Jeannie Mak - Certificate # 2712 expired May 25, 1982; Ms. Mak came to office June 25, 1982.

IV COMPLAINT BY WILLIAM CLARK AGAINST VICKY CARP AND DONALD KARR RE: ALLEGED VIOLATIONS OF LOTTERY RULES

V NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, July 28, 1982
Main Library - Lurie Room
Larkin & McAllister Streets
San Francisco, California

M I N U T E S

Commissioners Present: Taliaferro and Goerner. Absent: Mayer.

The meeting convened at 10:07 a.m.

I HEARING ON LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1, AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1 (continued from June 23rd meeting)

The Committee heard from various street artists. Mr. Mitch Paradise said that the Street Artists Association had never been consulted in the drafting of the proposed legislation, that he questioned the legislation's inclusion of the "handcrafted item" definition, and that an amendment to the "Kopp Ordinance" should not be passed without consideration of "redesigning" existing space at Fisherman's Wharf. Ms. Linda Stark wanted to see language that would provide for an exception to the size regulations, and that the language on Page 10 of the draft would need to be broadened. She said also that many spaces no longer comply with the law due to the repainting of adjacent curbs. Mr. Dale Axelrod wanted to address the issue of having umbrellas on displays. Mr. Paradise asked that the Art Commission meet with street artists on legislation; the present draft, he said, would be "wholly counter-productive" if it were to go to the Board of Supervisors.

Street artist Don Karr said that Mr. Margolin, attorney, had offered to meet with all parties concerned and the City Attorney to make the legislation more workable.

Chairman Taliaferro asked if the Police Department was satisfied with the language of the draft. Officer Lamont Susslow responded in the affirmative.

Street artist Denise Florian said that the artists were not asking for more spaces but were asking that some of the spaces that were lost through the years be replaced.

Mr. Alan Young of the Cliff House said he saw no reason

Continued.....

why the Art Commission should negotiate for spaces; he asked why the street artists could not rent spaces.

Commissioner Goerner stated that much of the recent discussion with the Wharf merchants centered around the parking situation. He asked the artists if there had been steps taken to alleviate it.

Ms. Stark replied that a number of artists refuse to move their cars, while others feel that parking is a minor issue, and unless the parking law is enforced they will continue to park there.

Commissioner Goerner said that it appeared that the efforts at self-policing have not worked, and that the only method that would work is police enforcement.

Ms. Stark reported that at the meeting with the Wharf merchants there were two suggestions made: (1) request the Art Commission to establish a moratorium on the issuance of certificates; and (2) that action be pursued with the City Attorney's office on the alleged violation by Longshoreman's Union, of the zoning ordinance, by allowing vendors to display their wares on Longshoreman's Union parking lot.

Commissioner Goerner added that the merchants had suggested that additional effort be made to enforce the regulations pertinent to the work offered for sale, and that this would ease the situation.

Chairman Taliaferro moved that the issue be put over for thirty days to enable the merchants to speak about the legislative draft, and the merchants and the artists to meet. The motion was seconded by Commissioner Goerner and unanimously approved by the Committee.

Chairman Taliaferro asked Program Director Lazar to contact the merchant groups - Mr. Pflueger of the Downtown Association and Mr. Flannigan and Mr. Martin of the Fisherman's Wharf Merchants Association, and Mr. Young of the Cliff House - as well as Mr. Margolin and Deputy City Attorney Teichman.

Street artist William Clark requested that his proposal signed by twenty-five artists be forwarded with the legislation to the merchants. Commissioners Taliaferro and Goerner directed Mr. Lazar to do so.

Street artist Dale Axelrod asked if it was the Committee's intention to upgrade the Program in the sense that people make the work they sell. Chairman Taliaferro replied in the affirmative.

Street Art Inspector Jacqueline Hamilton said that she found most of the artists more than willing to comply with the Program's criteria; one of the problems she saw, however, in enforcement is the lengthy duration of the appeal process which allows violations

Continued.....

to continue until Art Commission resolution. In other code enforcement, she said, violators are instantly cited and not allowed to continue their practice until a decision is reached through the hearing process.

Program Director Lazar commented that the present street artist hearing procedure takes about a month plus ten days allowance for the artist to appeal to the Board of Permit Appeals.

11 ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: FINDINGS ON CRAFT VIOLATION REVIEWS 7/27/82

(Photographs of the displays of the following cases were taken by the Program staff at Fisherman's Wharf on June 22, 1982, and, at the request of the Program Committee, were referred to the Advisory Committee for review and findings. The alleged violation for all was Street Artist Violation II: "One or more items displayed do not meet Art Commission criteria"; the criteria in question was "beadstringing" and specifically the display of pendants allegedly not made by the artist.)

Ms. Patricia O'Connor of the Advisory Committee commented on each case. Commissioners Taliaferro and Goerner examined the photographs taken at the sales site and at the artist's hearing with the Advisory Committee. The Commissioners also examined samples of work.

A. Gat Wah Lee Chen. Mr. Kam Wan Wu translated for Ms. Chen. According to the Advisory Committee's findings, Ms. Chen displayed commercially manufactured pendants in the work shown to the Advisory Committee as well as in the photograph taken at her site. The Advisory Committee's finding: Violation II.

Chairman Taliaferro moved that Ms. Chen was in violation, Street Artist Violation II, but that the penalty be suspended due to her lack of understanding of the criteria. The motion was seconded by Commissioner Goerner and unanimously approved by the Committee.

B. Kathie Lou Eldridge. Ms. Eldridge told the Program Committee that the on-site photo was a photo of her work. She had shown the Advisory Committee beaded necklaces and earrings that were found acceptable; however, the on-site photo, according to the Advisory Committee, indicated a violation because of the display of crystals. Ms. Eldridge had submitted handpainted crystals to the Advisory Committee, but the Committee had not felt that this constituted a "handcrafted item."

Chairman Taliaferro moved that Ms. Eldridge be found in violation, Street Artist Violation II, but the penalty be suspended. The motion was seconded by Commissioner Goerner and unanimously approved.

Continued.....

C. Mark Mandzik. Mr. Mandzik submitted a photo of his display, taken by himself which included work other than beadcraft. He told the Program Committee that he would not sell the pendants in question. The Advisory Committee had found that he was in violation with regard to the work he had submitted to the Committee as well as the work depicted in the on-site photo.

Chairman Taliaferro moved that Mr. Mandzik be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Goerner and unanimously approved.

D. E. W. Sky. Director Lazar reported that Ms. Sky had submitted a letter requesting postponement of her hearing due to her having to be out of town. She will be notified for the next Advisory Committee and Program Committee hearings.

E. Tad Sky. Mr. Lazar reported that no letter had been received from Mr. Sky, but that he had not appeared at his Advisory Committee hearing. He was not present at the Program Committee meeting. He would be notified for the following month's meetings.

F. Latifa Rainbow. Mr. Lazar reported that no letter had been received from Ms. Rainbow; she had not appeared at the Advisory Committee hearing, nor was she present at the Program Committee hearing. She would be notified for the following month's hearings.

G. Suey Wah Lee Wu. According to the Advisory Committee, Mrs. Wu's work, when examined, appeared in violation due to their pendants; these were depicted also in the on-site photo.

Chairman Taliaferro moved that Mrs. Wu be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Goerner and unanimously approved.

H. Kam Wan Wu. The Advisory Committee had found Mr. Wu's work to be similar to his wife's and applied the same finding (see above).

Chairman Taliaferro moved that Mr. Wu be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion Was seconded by Commissioner Goerner and unanimously approved.

I. Yu Chun Ngan Suen. According to the Advisory Committee, the on-site photo showed a violation with regard to the pendants. The work submitted by Mrs. Suen was acceptable. Both she and her husband, Chik Yuk Suen, had told the Advisory Committee that they would no longer sell necklaces with commercial pendants.

Chairman Taliaferro moved that Mrs. Suen be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Goerner and unanimously approved.

Continued.....

J. Chik Yuk Suen. (See above findings of the Advisory Committee for Mr. Suen's wife, Yu Chun Ngan Suen, the work belonging to them both.) Chairman Taliaferro moved that Mr. Suen be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Goerner and unanimously approved.

K. Helen I-Wu Chien. The Advisory Committee had found that some of Ms. Chien's work showed a violation regarding the display of commercial cloisonne pendants and some solid strands of beads: "beads can be bought in solid strands and evidently she just re-strung the beads."

Chairman Taliaferro moved that Ms. Chien be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Goerner and unanimously approved.

III REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Jeannie Mak. Ms. Mak's Certificate #2712 had expired May 25, 1982; she came to the office on June 25, 1982, to try to renew. Ms. Mak told the Commissioners that she had been confused by the month, and and that was why she had come in on the exact day. Chairman Taliaferro moved that Ms. Mak's request for priority be approved. The motion was seconded by Commissioner Goerner and unanimously approved.

IV COMPLAINT BY WILLIAM CLARK AGAINST VICKY CARP AND DONALD KARR RE: ALLEGED VIOLATIONS OF LOTTERY RULES AND ITEMS FOR SALE

Street artist William Clark told the Committee that it was not his intent for Ms. Carp and Mr. Karr to be punished, but that there was a real problem dealing with the rules governing allocation of spaces. He said the Art Commission had to involve itself in stopping the conflicts on the street, arising from space allocation. He suggested the Committee review the guidelines for allocation procedure regarding unused spaces at 12 noon. He also requested that the Art Inspector enforce the display of certificates and lottery slips.

Commissioner Goerner noted that, according to Mr. Clark's letter, Mr. Clark had declined to meet with the Lottery Committee. Mr. Clark responded that he felt the Street Artists Program Committee was the proper forum for discussion of this situation.

Ms. Karen Hansen of the Cliff House Glassblowers said she heard that the Lottery Committee was a tightknit group who intimidated many artists.

Mr. Karr said that he felt Mr. Clark was continuing to harrass him, as he and Mr. Clark had a history of hostility. He asked that Mr. Clark submit proof of Mr. Karr's "cheating" the lottery.

Continued.....

Chairman Taliaferro recommnded that the 12 noon lottery rule be discussed. He moved that the alleged charges concerning Ms. Karp's work be dismissed, and that the Program Committee consider the lottery 12 noon rule under "New Business." The motion was seconded by Commissioner Goerner and unanimously approved. Chairman Taliaferro clarified that Ms. Carp's work would be checked by the Art Inspector on the street and, if necessary, be submitted in the normal hearing procedure.

V NEW BUSINESS

Chairman Taliaferro welcomed the new Street Art Inspector, Ms. Jacqueline Hamilton, to the Program. He said she would be expected to enforce the law "to the letter." If there shall be mitigating circumstances, it would be the Program Committee's responsibility to consider them.

Chairman Taliaferro read the Lottery's "12 NOON RULE."

Several street artists stated that they generally retain their lottery slips in order to present them to the Police upon request. Street artist Mitch Paradise said that cases of conflict over spaces are infrequent, that the lottery operates smoothly, and that less rules were needed. Street artist Dale Axelrod said that less rules allowed certain people to sell seven days a week. Another artist said more rules were needed.

Chairman Taliaferro requested that the Lottery Committee hold a meeting on this issue within the next thirty days and to report back to the Program Committee. He asked Mr. Clark to attend the meeting; Mr. Clark said he would.

Under new business, Mr. Axelrod raised the issue of having an umbrella on a display; he said he was threatened by a local officer for having an umbrella because this exceeded the five-foot height limit. Chairman Taliaferro said this issue would be considered for inclusion in the legislative draft.

Under new business, Program Director Lazar presented a lottery proposal submitted by Mr. Clark. Chairman Taliaferro asked that this proposal, too, be taken up at the Lottery meeting.

The meeting adjourned at 12:20 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County of San Francisco

Art Commission

Dianne Feinstein
MAYOR

Joan Ellison
DIRECTOR

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, August 24, 1982
10:00 a.m.
Public Library - Golden Gate Branch
1801 Green Street (at Octavia)
San Francisco

A G E N D A

I ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

A. Findings on Craft Violation Reviews of 8/17/82

Tad Sky - Alleged Violation: One or more items displayed do not meet Art Commission Criteria (beadstringing/pendant criteria)

E. W. Sky - " " " " " " "

Latifa Rainbow - " " " " " "

B. Recommendations on Criteria for Engraving (hearing of 8/17/82)

II HEARING ON LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1, AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1 (continued from 7/28 mtg.)

III LOTTERY COMMITTEE

A. Clarification of "12 Noon Rule"

B. Recommendations re: proposal for lottery procedure submitted by William Clark

IV NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

Thursday, September 23, 1982
10:00 a.m.
Public Health Building, Room 300
101 Grove Street (at Polk),
San Francisco

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Cultural Affairs

A G E N D A

I ENFORCEMENT PROVISION/AMENDMENT TO SECTION 2410(a), FOURTH LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1 AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTCILE 24.1

II ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

A. Amendment to Language: Pendant Criteria

B. Criteria for Engraving

III REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Brigitte Korn - Certificate # 2643 expired August 2, 1982; Ms. Korn notified Program September 2, 1982 (last day for renewing certificate was August 16).

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Louis C. Welsh - applied October 16, 1978 and was mailed notice in August, 1980; notice was returned to Program.

B. Jack LaRue - applied October 29, 1980 and was mailed notice in February, 1982; notice was returned to Program.

C. Gin Ku - applied February 26, 1981, and received notice mailed May 13, 1982; Mr. Ku responded by telephone but staff did not record the date of his response and did not schedule him for screening.

V REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

A. Elgin Tesseraux - applied April, 1981; requests postponement until spring, 1983.

B. Noriko Hatami - applied May, 1981; requests postponement until June, 1983.

(Continued on reverse side)

VI REQUEST BY CERTIFICATE-HOLDER FOR EXTENDED PERIOD OF MAIL-RENEWALS

A. Frank Walker - request for one year extension for mail-renewal beyond the allotted two consecutive renewals.

B. Jaime Perez and Virginia Travers - request by Mrs. Perez to renew on artists' behalf for a third renewal until the artists' return from Spain.

VII NEW BUSINESS

* * *

Dianne Feinstein
MAYOR

Joan Ellison
DIRECTOR

Commissioners

Roselyne C. Swig
President

Dmitri Vedensky, Jr.
Vice President

Vernon Alley
Timothy Duncan
Fredrick Goerner
Robert LaRocca
Richard Mayer
Jacqueline Nemerovski
William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

STREET ARTISTS PROGRAM COMMITTEE

September 23, 1982
Public Health Building, Room 300
101 Grove Street, San Francisco

M I N U T E S

Present: Commissioners Taliaferro, Mayer, Goerner

Chairman Taliaferro called the meeting to order at 10:16 a.m.

I ENFORCEMENT PROVISION/AMENDMENT TO SECTION 2410(a), FOURTH LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1 AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1

The Chairman stated that Mr. Ephraim Margolin, attorney for the Street Artists Association, had submitted a written request to the Art Commission for some modifications to the legislative draft. The Art Commission referred the legislation back to the Program Committee.

The Chairman said that one of Mr. Margolin's objections was over the inclusion of the Art Commission's definition of "Handcrafted Item": "An item which consists of components predominantly created or altered in form by the street artist." At its meeting of August 24th, the Program Committee had recommended that the definition be stated: "An item which consists of a component or components predominantly created or altered in form by the street artist." The Chairman reported that Mr. Margolin's suggested definition was "an item predominantly created or significantly altered in form by the street artist."

Advisory Committee of Street Artists and Craftsmen Examiners member Pat O'Connor stated that the suggested definition would offer her Committee more latitude in subjectivity.

Commissioner Mayer stated that the Advisory Committee would be able to determine that an item does not fulfill the criteria if it is so influenced by a component not made by the artist.

Street Artist Dale Axelrod requested that the "component" provision be retained; without it, he said, artists would be using components made by someone else.

Commissioner Mayer said that there were many examples of

Continued.....

art that included one or more components not made by the artist, and these items could be considered "works of art." He welcomed the new definition because he felt it provided more latitude for the Advisory Committee and could result in a higher quality of art on the street.

Commissioner Mayer moved that the definition of "Handcrafted Item" submitted by Mr. Margolin and the Street Artists Association, replace the definition in the legislative draft (page 8, Section 2401). The motion was seconded by Commissioner Goerner and unanimously approved.

Chairman Taliaferro reported that the second recommendation from Mr. Margolin was a provision for the Board of Supervisors to have flexibility in all the provisions of Section 2405 Regulations for Street Artists. At the August 24th meeting, the Program Committee had recommended flexibility in the size of display and in the event of a change of curb zone. Now the Association was requesting provision for the Supervisors to be able to modify the footage requirements as well. The Chairman felt that, inasmuch as the Supervisors would have to hold a hearing on any modification, such a provision would be in keeping with the democratic process.

Commissioner Mayer moved that the legislation include flexibility in all provisions of Section 2405. The motion was seconded by Commissioner Goerner.

Mr. Lloyd Pflueger, General Manager of the Downtown Association, stated that the present "Kopp Ordinance" (Article 24.2) is "very sacred" to his association, as they had worked closely with the Fire Department and the Board of Supervisors on it. He said that the Board can change the provisions any time. He proposed that it be stated that any changes shall be made on an individual, case-by-case basis.

Mr. Axelrod said that by not providing for a minimal footage for spaces, the artists would be jeopardized by the possibility of the Supervisors narrowing the spaces. He asked whether the Art Commission would play an advocacy role for artists of different crafts.

Chairman Taliaferro replied that, in the event of proposed changes, the Board of Supervisors would ask the Art Commission for its views, and the Commission would, in turn, hold a hearing and report to the Board.

Mr. Pat Flanigan, President of the Fisherman's Wharf Merchants Association, questioned the need for the "flexibility" provision since the Supervisors may exercise such powers now. He added that the "Kopp Ordinance" was meant to ensure public safety and to place controls on the street artists.

Ms. Linda Stark, President of the Street Artists Association,

Continued.....

stated that they were not asking for blanket approval over all spaces, and that in the future a proposal for temporary spaces would be forthcoming.

Commissioner Mayer withdrew his original motion and moved that the legislation not include flexibility in the provisions of Section 2405. The motion was seconded by Commissioner Goerner and unanimously approved.

Commissioner Mayer moved that Recommendations #2 and #3 of the Program Committee's August 24, 1982 meeting be withdrawn. The motion was seconded by Commissioner Goerner and unanimously approved.

Chairman Taliaferro said that the third recommendation from Mr. Margolin and the Street Artists Association was for a provision specifying the offenses that would constitute an infraction and those a misdemeanor. (At its last meeting, the Program Committee voted for such a provision.) The Chairman stated that he felt the section (Section 2410) should be left in its general terms so that misdemeanors could be reduced to infractions.

Ms. Stark said she felt the punishment of a misdemeanor far outweighed a street artist "crime," and that 90% of the violations should be considered as infractions. She said that the day before, however, an artist was held in jail for four hours for having had an oversized display. She said that the Association's attorney had advised that the section be left in general terms as many cases could be tossed out of court. However, she said, if the section were left in general terms, it would leave too much power in the hands of the Police. The artists do not like living with "vagueness" in the law, not knowing what they could be arrested and hauled away for.

Commissioner Mayer said that the severest penalty an artist could receive would be revocation of his certificate. He felt that the legislation should spell out the number of infractions that would result in revocation; he added that he did not feel the Art Commission should send anyone to jail. He proposed that the subsection pertaining to misdemeanor be eliminated and that the legislation provide that three infractions would result in a hearing as to why a certificate should <u>not</u> be revoked.

Street Artist Robert Clark stated that the Commission's present methods of citation by Art Inspector and subsequent hearing procedure would solve the problem, and that if an artist were cited a second time, the Commission should not be lenient.

Commissioner Mayer moved that Section 2410 be amended by deleting from subsection (a) the words "or misdemeanor": "Any person violating

Continued.....

any provision of this Article shall be guilty of an infraction ((or misdemeanor))" and be amended by deleting subsection (a ii): (("If charged as a misdemeanor, the penalty shall be by imprisonment in the County Jail not exceeding thirty days or a fine not exceeding $100.")); and that Section 2410 (b) be amended by deleting the words "a misdemeanor or": "The complaint charging such violation shall specify whether the violation charged is ((a misdemeanor or)) an infraction." The motion was seconded by Commissioner Mayer.

Street Artist Bill Clark stated that if all violations were to be considered as infractions and never misdemeanors, the artist would lose his right to a trial by jury.

Chairman Taliaferro responded that Mr. Margolin had made that point to his clients, but they had still wanted the misdemeanor provision eliminated.

The motion was unanimously approved.

Commissioner Mayer requested Program Director Lazar to report at the next meeting with a clarification of the grounds constituting revocation of certificate and a detailing of options.

Commissioner Goerner moved that the "ENFORCEMENT PROVISION/AMENDMENT TO SECTION 2410(a)" as listed as Item I of the agenda be tabled until the following meeting. The motion was seconded by Commissioner Mayer and unanimously approved.

II ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

Amendment to Language: Pendant Criteria. (By authorization of the Art Commission, the Advisory Committee of Street Artists and Craftsmen Examiners held a hearing on September 21, 1982 to consider amending the criteria for "Beadstringing: pendants.")

Program Director Lazar read the present criteria:

> Pendants: The pendant, stomacher, brooch, cameo, and medallion part of the bead art object of sale must be an item predominantly created or altered in form by the street artist or craftsperson.

and the Advisory Committee's recommended amendment:

> A commercially manufactured pendant may be permissible in a beaded necklace when the pendant has been determined by the Advisory Committee to be an integral element of the design of the necklace.

Continued.....

Advisory Committee member Pat O'Connor explained that if a necklace's main object of sale was a commercially manufactured pendant, the necklace would be illegal; however, if the main object of sale was the necklace itself, the commercially manufactured pendant would be acceptable.

Commissioner Mayer moved that the following language be added to the present criteria after the words "... the street artist or craftsperson":

> ...except as amended in the following paragraph:
>
> A commercially manufactured pendant may be permissible in a beaded necklace when the pendant has been determined by the Advisory Committee to be an integral element of and subordinate to the total design of the necklace.

The motion was seconded by Commissioner Goerner.

Street Artist Dale Axelrod objected by saying that this would allow everyone to violate the initial pendant criterion and would open the door to endless appeals for justifying the commercially manufactured pendants.

Chairman Taliaferro said that if the Advisory Committee feels it needs the amendment, the Art Commission should allow it. If it creates a problem, the Commission could rescind it.

The motion was unanimously approved.

Chairman Taliaferro had to leave. Commissioner Mayer chaired the remainder of the meeting.

Criteria for Engraving. Program Director Lazar reported that, at the September 21 meeting, the Advisory Committee had been unable to recommend criteria, and that another hearing was required.

III REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Brigitte Korn - Certificate #2642 expired August 2, 1982; Ms. Korn notified the Program on September 2, 1982 (her last day for renewing the certificate was August 16th).

Commissioner Goerner moved that Ms. Korn's request for priority in issuance of certificate be approved. The motion was seconded by Commissioner Mayer and unanimously approved.

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Louis C. Welsh - applied October 16, 1978 and was mailed notice in

Continued.....

in August, 1980; but the notice was returned to the Program.

Mr. Welsh told the Committee that in 1980 he had to leave for Pittsburgh to attend to his mother who later died of cancer.

Commissioner Mayer moved that Mr. Welsh's request for priority in issuance of certificate be approved. The motion was seconded by Commissioner Goerner and unanimously approved.

B. Jack LaRue - applied October 29, 1980 and was mailed notice in February, 1982; notice was returned to Program.

Mr. LaRue was not present. The Committee decided to hold the matter over.

C. Gin Ku - applied February 26, 1981, and received notice mailed May 13, 1982; Mr. Ku responded by telephone, but the staff failed to record the date of his response and did not schedule him for screening.

Commissioner Gonerner moved that Mr. Ku's request for priority in issuance of certificate be approved. The motion was seconded by Commissioner Mayer and unanimously approved.

V REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

A. Elgin Tesseraux - applied April, 1981; requested postponement until spring, 1983.

Commissioner Goerner moved that Mr. Tesseraux's request for postponement of screening until spring, 1983, be approved. The motion was seconded by Commissioner Mayer and unanimously approved.

B. Noriko Hatami - applied May, 1981; requested postponement until June, 1983.

Commissioner Goerner moved that Ms. Hatami's request for postponement of screening until June, 1983, be approved. The motion was seconded by Commissioner Mayer and unanimously approved.

VI REQUESTS BY CERTIFICATE-HOLDERS FOR EXTENDED PERIOD OF MAIL-RENEWALS

A. Frank Walker - Mr. Walker had submitted to the Program a letter-request for a one-year extension for mail-renewal beyond the allotted two consecutive renewals.

Commissioner Goerner moved that Mr. Walker's request for extension

Continued.....

of mail-renewals be disapproved. The motion was seconded by Commissioner Mayer and unanimously approved.

B. Jaime Perez and Virginia Travers - Mr. Perez's mother had come to the Program office to pay for the past two renewals of Mr. Perez and Ms. Travers who were now in Spain. Mrs. Perez had told the Program Director that the two would not be back in time for their next renewal but would be back in January. Mrs. Perez intends to renew for them on their next renewal; Program Director Lazar asked the Program Committee for authorization to grant such renewal.

Commissioner Goerner moved that the staff request to accept renewal payment from Mrs. Yolanda Perez for Jaime Perez and Virginia Travers be disapproved. The motion was seconded by Commissioner Mayer and unanimously approved.

VI NEW BUSINESS

Street Artist Denise Florian stated that there were eight spaces on Stockton Street, between Post and Sutter, on the Hyatt Hotel side, and a year previously the adjacent curb had been painted as a white zone. Recently, a policeman told Ms. Florian that the white zone made it illegal for her to sell there. Ms. Florian wanted to know whether the artists have been allowed to continue selling in the spaces and also why the Department of Public Works did not notify the Art Commission of its intent to paint the curb.

Commissioner Mayer requested Program Director Lazar to report at the next meeting on the status of the spaces, the purpose for painting the curb, and recommendations.

*

Street Artist Dale Axelrod stated that at the end of the Advisory Committee meeting of September 21st, the Art Inspector had told the Advisory Committee that they could be liable for lawsuit as a result of their decisions. Mr. Axelrod said it should be made clear that it would be the Art Commission, not the Advisory Committee, who would be liable.

Commissioner Goerner asked Mr. Lazar to ask Inspector Hamilton if she made such a remark and, if so, what she had meant by it, and that Mr. Lazar report to the Committee.

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Mr. Axelrod requested that the matter of the Lottery Committee's "preference poll" circulated on at the end of August, 1982, be placed on the October agenda of the Street Artists Program Committee. He said that the poll may be in violation of the Lottery's rules. Commissioner Goerner directed Mr. Lazar to put it on the agenda.

*

Street Artist Bill Clark informed the Committee that the Lottery Committee failed to announce, for three consecutive lotteries, the "Notice to Street Artists" sent by the Program on August 25, 1982, clarifying the "NOONTIME RULE." Such notification and announcement by the Lottery Committee had been requested by the Program Committee at its August 24th meeting.

Lottery Committee member Linda Stark said that she made the announcement at the Thursday and Saturday lotteries, and that the announcement flyer was placed on the signup table for a week.

Commissioner Mayer requested Mr. Lazar to send the announcement to the Lottery Committee again to announce and to also have it disseminated by the Art Inspector at the lotteries. Mr. Lazar stated that he wanted to add to the announcement the Program Committee's clarification, on August 24th, that an artist may allow his family unit member(s) to sell from his space only when he is present. The Commissioners agreed that this should be added to the announcement.

Mr. Clark asked that the announcement be ready for the Saturday lottery. Mr. Lazar said he would mail it in time to the Lottery Committee and also give copies to the Inspector.

The meeting adjourned at 12:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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SF Art Commission

STREET ARTISTS PROGRAM COMMITTEE [Agenda]

RECOMMENDATIONS FOR ART COMMISSION - OCTOBER 4, 1982 MEETING

I FOURTH LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1, AND AMENDING ARTICLE 24.2 POLICE CODE TO INCORPORATE PERTINENT PROVISIONS OF ARTICLE 24.1

RECOMMENDATION: Approval of legislative draft with the following amendment/provisions (from 8/24 and 9/23 Program Committee hearings):

A. "Family Unit inscription on certificates - legislation should provide that the certificate numbers of "family unit" members be written by the Art Commission on the back of each unit member's certificate. Suggestion: this provision could be incorporated on page 10, in item (c) Display; or in Section 2405 Regulations for Street Artists, item (a).

B. Amendment to Definition of "Handcrafted Item" - the definition of "Handcrafted Item" on page 8, Section 2401 Additional Definitions, (b), should be amended as follows (deletions are shown by ((double parentheses)) and additions are underlined):

(b) "Handcrafted Item". An item ((which consists of components)) predominantly created or significantly altered in form by the street artist.

C. Amendments to Section 2410 Criminal Violations: Penalties -

1) Subsection (a) - delete the words "or misdemeanor": "Any person violating any provision of this Article shall be guilty of an infraction ((or misdemeanor))."

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2) Subsection (a - ii) - delete entire subsection: (("If charged as a misdemeanor, the penalty shall be by imprisonment in the County Jail not exceeding thirty days or a fine not exceeding $100."))

3) Subsection (b) - delete the words "a misdemeanor or": "The complaint charging such violation shall specify whether the violation is ((a misdemeanor or)) an infraction."

II AMENDMENT TO "BEADSTRINGING - PENDANTS" CRITERIA

RECOMMENDATION: Approval of the following underlined language to be added to the present criteria:

Pendants: The pendant, stomacher, brooch, cameo, and medallion part of the bead art object of sale must be an item predominantly created or altered in form by the street artist or craftsperson, except as amended in the following

Continued.....

paragraph:

A commercially manufactured pendant may be permissible in a beaded necklace when the pendant has been determined by the Advisory Committee to be an integral element of and subordinate to the total design of the necklace.

III REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

RECOMMENDATION: Approval of request of the following:

A. Brigitte Korn - certificate #2643 expired August 2, 1982; Ms. Korn notified Program September 2, 1982 (her last day for renewing certificate was August 16).

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

RECOMMENDATION: Approval of requests of the following:

A. Louis C. Welsh - applied October 16, 1978, and was mailed notice in August, 1980; notice was returned to Program.

B. Gin Ku - applied February 26, 1981, and received notice mailed May 13, 1982; Mr. Ku responded by telephone but staff failed to record the date of his response and did not schedule him for screening.

V REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

RECOMMENDATION: Approval of the requests of the following:

A. Elgin Tesseraux - applied April, 1981; requests postponement until spring, 1983.

B. Noriko Hatami - applied May, 1981; requests postponement until June, 1983.

VI REQUESTS BY CERTIFICATE-HOLDERS FOR EXTENDED PERIOD OF MAIL-RENEWALS

RECOMMENDATION: Disapproval of requests of the following:

A. Frank Walker - requests a one-year extension for mail-renewal beyond the allotted two consecutive renewals.

B. Jaime Perez and Virginia Travers - request by staff for authorization to accept renewal payment from Mr. Perez's mother who has paid for the past two renewals for Mr. Perez and Ms. Travers. (Artists are to return from Spain in January.)

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City and County of San Francisco — Art Commission

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Ex Officio Members:

Presidents of the
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Library Commission
Planning Commission
Recreation and Park
Commission

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, October 20, 1982
10:00 a.m.
Mission Cultural Center
2868 Mission Street (between 24th and 25th Streets)
San Francisco, California

A G E N D A

I CITY ATTORNEY RECOMMENDATION ON AMENDING LANGUAGE OF ENFORCEMENT PROVISION, SECTION 2410(a), 4TH LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1 AND AMENDING ARTICLE 24.2 POLICE CODE

II DIRECTOR'S REPORT ON STATUS OF SPACES, STOCKTON STREET AT POST

III ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: FINDINGS FROM CRAFT VIOLATION REVIEWS OCTOBER 19, 1982, REGARDING THE FOLLOWING CERTIFICATE-HOLDERS:

A. Betty Bundschu; alleged violation: one or more items displayed do not meet criteria (beadstringing/pendants)

B. Ching-Lan Sun; " " " " " "

C. Chik Yuk Suen; " " " " " "

D. Susan Shindelka; " " " " " "

E. Suey Wah Lee Wu; " " " " " "

F. Peter Wiley; " " (leathercraft/buckle criteria)

G. James Bazil; " " (leathercraft/buckle criteria)

H. Penny Valle; " " (leathercraft/buckle criteria)

I. Helen I-Wu Chien " " (beadstringing/pendants)

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Jack Frenchie LaRue - applied October 29, 1980 and was mailed notice in February, 1982; notice was returned to Program

B. Elizabeth Jane Lygon - applied June 30, 1982

V REQUEST FOR ART COMMISSION STAFF ATTENDANCE AT LOTTERIES AND/OR LOTTERY COMMITTEE MEETINGS

(continued on reverse side)

VI LOTTERY COMMITTEE PREFERENCE POLL RE: "OCCUPANCY/12 NOON RULE" - QUESTION ON LEGALITY OF POLL

VII REQUEST BY CERTIFICATE-HOLDER FOR POLICY ON NOTIFICATION TO ALL CERTIFICATE-HOLDERS RE: PUBLIC HEARINGS ON AMENDING CRAFT CRITERIA

VIII NEW BUSINESS

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Art Commission

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MAYOR

Joan Ellison
DIRECTOR

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STREET ARTISTS PROGRAM COMMITTEE

The meeting originally scheduled for October 20th has been changed to

Monday, November 1, 1982
1:30 p.m.
Main Library - Commissioners Room (3rd floor)
Larkin & McAllister Streets, San Francisco

Commissioners

Roselyne C. Swig
President

Dmitri Vedensky, Jr.
Vice President

Vernon Alley
Timothy Duncan
Fredrick Goerner
Robert LaRocca
Richard Mayer
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A G E N D A

I CITY ATTORNEY RECOMMENDATION ON AMENDING LANGUAGE OF ENFORCEMENT PROVISION, SECTION 2410(a), 4TH LEGISLATIVE DRAFT REPEALING SECTIONS OF ARTICLES 24 AND 24.1 AND AMENDING ARTICLE 24.2 POLICE CODE

II DIRECTOR'S REPORT ON STATUS OF SPACES, STOCKTON STREET AT POST

III ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: FINDINGS FROM CRAFT VIOLATION REVIEWS OCTOBER 19, 1982, REGARDING THE FOLLOWING CERTIFICATE-HOLDERS:

A. Betty Bundschu; alleged violation: one or more items displayed do not meet criteria (beadstringing/pendants)
B. Ching-Lan Sun; " " " " " "
C. Chik Yuk Suen; " " " " " "
D. Susan Shindelka; " " " " " "
E. Suey Wah Lee Wu; " " " " " "
F. Peter Wiley; " " (leathercraft/buckle criteria)
G. James Bazil; " " (leathercraft/buckle criteria)
H. Penny Valle; " " (leathercraft/buckle criteria)
I. Helen I-Wu Chien " " (beadstringing/pendants)

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Jack Frenchie LaRue - applied October 29, 1980 and was mailed notice in February, 1982; notice was returned to Program

B. Elizabeth Jane Lygon - applied June 30, 1982

V REQUEST FOR ART COMMISSION STAFF ATTENDANCE AT LOTTERIES AND/OR LOTTERY COMMITTEE MEETINGS

(continued on reverse side)

VI LOTTERY COMMITTEE PREFERENCE POLL RE: "OCCUPANCY/12 NOON RULE" - QUESTION ON LEGALITY OF POLL

VII REQUEST BY CERTIFICATE-HOLDER FOR POLICY ON NOTIFICATION TO ALL CERTIFICATE-HOLDERS RE: PUBLIC HEARINGS ON AMENDING CRAFT CRITERIA

VIII NEW BUSINESS

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City and County of San Francisco

Art Commission

Dianne Feinstein
MAYOR

Joan Ellison
DIRECTOR

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William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
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Library Commission
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Recreation and Park
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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, November 16, 1982

10:00 - 11:30 a.m.

Main Library - Lurie Room
(ground floor)

Larkin & McAllister Streets

San Francisco

A G E N D A

I HEARING ON SAN FRANCISCO STREET ARTISTS ASSOCIATION'S PROPOSED SALES SPACES FOR DOWNTOWN AREA - CHRISTMAS, 1982

* * *

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Dianne Feinstein
MAYOR

Joan Ellison
DIRECTOR

Commissioners

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President

Dmitri Vedensky, Jr.
Vice President

Vernon Alley
Timothy Duncan
Fredrick Goerner
Robert LaRocca
Richard Mayer
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STREET ARTISTS PROGRAM COMMITTEE

November 16, 1982
Main Library, Lurie Room
Larkin & McAllister Streets
San Francisco

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M I N U T E S

Present: Commissioners Taliaferro and Mayer.

Chairman Taliaferro called the meeting to order at 10:20 a.m.

HEARING ON SAN FRANCISCO STREET ARTISTS ASSOCIATION'S PROPOSED SALES SPACES FOR DOWNTOWN AREA - CHRISTMAS, 1982

Program Director Lazar reported that a meeting had been held with members of the Street Artists Association, the Downtown Association, and the Street Artists Program staff, with regard to a proposal by the Street Artists Association for additional spaces downtown for the Christmas season. Each space had been reviewed with respect to the law, and both associations had agreed on 54 new spaces (out of a proposed 60) which comply with the regulations:

Spaces	Location
3	Post Street, north side, Stockton to Grant
5	Market Street, south side, 4th to 5th
4	Market Street, south side, New Montgomery to 3rd
24	Market Street, south side, 1st to 2nd
5	Market Street, north side, Stockton to Grant
3	Market Street, north side, Grant to Kearny
3	Market Street, north side, Montgomery to Sansome
7	Sutter Street (2 on south side, 5 on north side) at Market

Commissioner Mayer moved that the proposed sales spaces, as agreed upon by the Street Artists Association and Downtown Association, for the downtown area during the Christmas season, 1982, be endorsed by the Art Commission for consideration by the Board of Supervisors. The motion was seconded by Commissioner Taliaferro and unanimously approved.

The Program Director also informed the Committee that in the meeting of the two associations, it had been concluded that the present

Continued.....

regulation of a 5-foot distance between street artist displays should not be a requirement around BART entrances and exits. Both associations were requesting that the Art Commission approve, in its new legislation, a provisions which would, for such areas, require that (a) the distance between displays be two feet and (b) the distance from the edge of a display to the BART wall be no more than 5 feet. These changes would require amending Section 2405 of the City Attorney's legislative draft scheduled to go before the Board of Supervisors in December.

Commissioner Mayer moved that, in the proposed street artist legislation, a provision be included which would, for BART entrances and exits, require that (a) the distance between street artist displays be two feet and (b) the distance from the edge of a display to the BART wall be no more than five feet. The motion was seconded by Commissioner Taliaferro and unanimously approved.

The meeting adjourned at 11:00 a.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

STREET ARTISTS PROGRAM COMMITTEE

RECOMMENDATIONS FROM MEETINGS OF NOVEMBER 16 AND NOVEMBER 23, 1982

I STREET ARTISTS ASSOCIATION'S PROPOSAL FOR ADDITIONAL SALES SPACES IN DOWNTOWN AREA FOR CHRISTMAS, 1982

RECOMMENDATION: Approval of the 54 proposed sales spaces, as agreed upon by the Street Artists Association and Downtown Association, in the downtown area during the Christmas season, 1982, as endorsement for consideration by the Board of Supervisors.

II AMENDMENT TO PROPOSED STREET ARTIST LEGISLATION (REPEALING SECTIONS OF ARTICLES 24 AND 24.1 AND AMENDING ARTICLE 24.2 POLICE CODE) APPROVED BY ART COMMISSION OCTOBER 4, 1982

RECOMMENDATION: Approval of a provision which would, for BART entrances and exits, require that (a) the distance between street artist displays be two feet, and (b) the distance from the edge of a street artist display to the BART wall be no more than five feet.

III CRAFT VIOLATION REVIEWS

A. Susan Shindelka

RECOMMENDATION: That Ms. Shindelka be found in violation, Street Artist Violation II (One or More Items Displayed Do Not Meet Art Commission Criteria), Beadstringing/Pendant Criteria; but that the penalty be suspended.

B. Eaiko Chou

RECOMMENDATION: That Ms. Chou be found in violation, Street Artist Violation II, Beadstringing/Pendant Criteria; but that the penalty be suspended.

C. Richard Ashton

RECOMMENDATION: That Mr. Ashton be found in violation, Street Artist Violation II, Beadstringing/Pendant Criteria; but that the penalty be suspended.

D. James Bazil

RECOMMENDATION: That Mr. Bazil be found in violation, Street Artist Violation IV, Section 2 (Category of Craft Not Certified, And Items Displayed Are Determined to Be Not of Artist's Own Creation), and that his certificate be suspended for three months.

E. Dale Haverlandt

RECOMMENDATION: That Mrs. Haverlandt be found in violation, Street Artist Violation II, Beadstringing/Pendant Criteria; but that the penalty be suspended.

Continued.....

F. Penny Valle

RECOMMENDATION: That Ms. Valle be found in violation, Street Artist Violation IV, Section 2 (Category of Craft Not Certified, And Items Displayed Are Determined to Be Not of Artist's Own Creation), second violation, and that her certificate be suspended for one year.

RECOMMENDATION: That Ms. Valle be found in violation, Street Artist Violation VII (Failure to Appear for Hearing with Street Artists Program Committee, When Notified), second violation, and that her certificate be suspended until entire revocation procedure is completed.

IV REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Wayne Szwed - Certificate #2743 expired October 1, 1982; Mr. Szwed's request for priority in issuance of certificate was received by the Program office October 28.

RECOMMENDATION: Approval of Mr. Szwed's request for priority, above the waiting list of applicants, in the issuance of certificate.

V REQUEST FOR ART COMMISSION STAFF ATTENDANCE AT STREET ARTIST LOTTERIES AND/OR LOTTERY COMMITTEE MEETINGS

RECOMMENDATION: That the Street Artists Program staff attend the lotteries and Lottery Committee meetings, and that the Lottery Committee submit its minutes of meetings to the Program regularly.

VI AUTHORIZATION FOR STAFF REPORT ON LOTTERY COMMITTEE COMPLIANCE WITH ART COMMISSION REGULATIONS

RECOMMENDATION: That the staff report on the Lottery Committee's August, 1982 "Preference Poll" and its alleged infraction of lottery rules, and the degree of Lottery Committee compliance with Art Commission regulations.

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, November 23, 1982

2:00 p.m.

Main Library - Commission Room (3rd floor)

Larkin & McAllister Streets, San Francisco

A G E N D A

I ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: FINDINGS ON CRAFT VIOLATION REVIEWS

A. Penny Valle (from October 19 hearing)	Alleged Violation: One or more items displayed do not meet criteria (Leathercraft/ Buckle Criteria)
B. Susan Shindelka	" " " " " (Beadstringing/Pendant Criteria)
C. Eaiko Chou	" " " " " (Beadstringing/Pendant Criteria)
D. Dale Haverlandt	" " " " " (Beadstringing/Pendant Criteria)
E. Richard Ashton	" " " " " (Beadstringing/Pendant Criteria)
F. James Bazil	" " " " " (Leathercraft/Buckle Criteria)

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Wayne Szwed - Certificate # 2743 expired October 1, 1982; request received by office October 28.

III REQUEST FOR ART COMMISSION STAFF ATTENDANCE AT LOTTERIES AND/OR LOTTERY COMMITTEE MEETINGS

IV QUESTION ON LEGALITY OF LOTTERY COMMITTEE PREFERENCE POLL RE: "OCCUPANCY/12 NOON RULE"

Continued.....

V REQUEST FOR POLICY ON NOTIFICATION TO ALL CERTIFICATE-HOLDERS RE: PUBLIC HEARINGS ON AMENDING CRAFT CRITERIA

VI REQUEST BY CERTIFICATE-HOLDER FOR CERTIFICATION OF NEW ITEM

A. Philip Curatola - request for certification to sell cassette tapes of "music written and performed by the artist, accompanied by his band."

VII NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

November 23, 1982
Main Library, Commissioners Room
Larkin & McAllister Streets,
San Francisco

M I N U T E S

Present: Commissioners Taliaferro and Mayer.

Chairman Taliaferro called the meeting to order at 2:10 p.m.

I ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS: FINDINGS FROM CRAFT VIOLATION REVIEWS

A. Susan Shindelka - (Ms. Shindelka had been cited by the Art Inspector on August 1, 1982, for Street Artist Violation II: One or More Items Displayed Do Not Meet Art Commission Criteria; Beadstringing/Pendant Criteria. She was notified to appear for hearings with the Advisory Committee and the Street Artists Program Committee scheduled for October 19 and October 20 respectively. She notified the office that she would be in Los Angeles at the time of her hearings. She was rescheduled for hearings in the morning and afternoon of November 23. The Advisory Committee found, in the photo taken at the time of citation, that Ms. Shindelka had been in violation, Street Artist Violation II, due to the display of commercially manufactured pendants on chains, stickpins and barrettes. The Advisory Committee found no violation in the work presented at her hearing.)

Ms. Shindelka told the Commissioners that she had had stock that she had wanted to get rid of. Commissioner Mayer examined the photo taken on August 1 and also one taken on November 20 and remarked that there appeared no change in the display of unauthorized merchandise. Commissioner Mayer moved that Ms. Shindelka be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Eaiko Chou - (Ms. Chou had been cited on October 14, 1982, for Street Artist Violation II, Beadstringing/Pendant Criteria. At her hearing in the morning of November 23, the Advisory Committee found that, in the photo taken at the time of citation,

Continued.....

Ms. Chou had been in violation, Street Artist Violation II, due to the display of commercially manufactured "cloisonne" pendants on chains. The Advisory Committee found no violation in the work shown at her hearing.)

Commissioner Mayer moved that Ms. Chou be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Richard Ashton - (Mr. Ashton had been cited on November 5, 1982, for Street Artist Violation II, Beadstringing/Pendant Criteria. At his hearing in the morning of November 23, the Advisory Committee found that, in the photo taken at the time of citation, Mr. Ashton had been in violation, Street Artist Violation II, due to the display of commercially manufactured "bird"-shaped pendants. The Advisory Committee also found him in violation for the same items shown at his hearing. Mr. Ashton submitted a letter to Program Director Lazar, informing the Street Artists Program Committee that he would not be able to attend his hearing that afternoon and requesting a later hearing.)

Mr. Ashton did not appear at the Program Committee hearing. The Commissioners reviewed the photographs and the Advisory Committee's findings. Commissioner Mayer moved that Mr. Ashton be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Taliaferro and unanimously approved.

D. James Bazil - (Mr. Bazil had been cited on November 5, 1982, for Street Artist Violation II, Leathercraft/Buckle Criteria. This occurred four days after the Art Commission had resolved to suspend his certificate for one week, for the same violation. On November 19, 1982, Mr. Bazil submitted a letter informing the Program Director that he would not be able to attend his hearing because of another commitment. He did not appear at either of his committee hearings scheduled on November 23.)

Art Inspector Hamilton informed the Commissioners that she had found Mr. Bazil displaying commercially manufactured belt buckles without being attached to leather belts, and that, at the time of citation, he had stated that he did not intend to come to his hearing.

Commissioner Mayer moved that Mr. Bazil be found in violation, Street Artist Violation II, for the second time and that his certificate be suspended for four weeks. The motion was seconded by Commissioner Taliaferro and unanimously approved.

Upon examination of the photo taken of Mr. Bazil's display, the Commissioners observed that the display of commercially manufactured buckles could also constitute Street Artist Violation IV, Section 2 (Category of Craft Not Certified, And Items Displayed Are Determined to Be Not of Artist's Own Creation). Commissioner Mayer moved that the previous recommendation on Mr. Bazil be rescinded. The motion was seconded by Commissioner Taliaferro and unaimously approved.

Continued.....

Commissioner Taliaferro moved that Mr. Bazil be found in violation, Street Artist Violation IV, Section 2, and that his certificate be suspended for three months. The motion was seconded by Commissioner Mayer and unanimously approved.

E. Dale Haverlandt - (Mrs. Haverlandt had been cited on November 5, 1982, for Street Artist Violation II, Beadstringing/Pendant Criteria. At her hearing in the morning of November 23rd, the Advisory Committee found that, in the photo taken at the time of citation, Mrs. Haverlandt had been in violation, Street Artist Violation II, due to the display of commercially manufactured pendants. The Advisory Committee found no violation in the work shown at her hearing.)

Mrs. Haverlandt told the Commissioners that, prior to receiving the citation, she had been working a fair and that some of the pendants which had been allowed by the fair, were erroneously placed on her street artist display.

Commissioner Mayer moved that Mrs. Haverlandt be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Taliaferro and unanimously approved.

F. Penny Valle - (Ms. Valle had been cited on August 22, 1982, for Street Artist Violation II, Leathercraft/Buckle Criteria. At her hearing on October 19, the Advisory Committee found that, in the photo taken at the time of citation, Ms. Valle had been in violation due to the display of commercially manufactured buckles that were not attached to her certified belts. Ms. Valle did not bring samples of buckles or belts to show the Committee. She did not appear at her hearing with the Program Committee on October 20. The office notified her to appear before the Program Committee on November 23.)

Ms. Valle did not appear. The Commissioners examined the photo taken at the time of the August 22 citation and observed that, on November 3, 1980, the Art Commission by resolution found Ms. Valle in violation, Street Artist Violation IV, Section 2, and imposed the penalty of a three-month suspension. The penalty would have been in effect from November 17, 1980 - February 14, 1981, but Ms. Valle appealed to the Board of Permit Appeals who ordered that the suspension be deferred until January 1, 1981. The Commissioners stated that it appeared Ms. Valle's current citation was for the same violation, Street Artist Violation IV, Section 2, and not for Street Artist Violation II.

Commissioner Mayer moved that Ms. Valle be found in violation, Street Artist Violation IV, Section 2, second violation. The motion was seconded by Commissioner Taliaferro and unanimously approved.

Commissioner Mayer moved that the penalty for Street Artist Violation IV, Section 2, second violation - a one-year suspension of certificate - be imposed on Ms. Valle. The motion was seconded by Commissioner

Continued.....

Taliaferro and unanimously approved.

Commissioner Taliaferro moved that Ms. Valle be found in violation, Street Artist Violation VII (Failure to Appear for Hearing with Street Artists Program Committee, When Notified), second violation, and that the penalty for S.A.V. VII, second violation, be imposed (suspension of certificate until entire revocation procedure is completed). The motion was seconded by Commissioner Mayer and unanimously approved.

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Wayne Szwed - (Certificate #2743 had expired October 1, 1982; Mr. Szwed's request for priority in issuance of certificate was received by the Program office on October 28.)

Commissioner Mayer moved that Mr. Szwed be given priority, above the waiting list of applicants, in the issuance of a certificate. The motion was seconded by Commissioner Taliaferro and unanimously approved.

III REQUEST FOR ART COMMISSION STAFF ATTENDANCE AT LOTTERIES AND/OR LOTTERY COMMITTEE MEETINGS

The Program had received a request from Lottery Committee Member Sandra O'Brien for a representative of the Art Commission staff to be present at lotteries and/or Lottery Committee meetings which "could ensure fair and unbiased handling of lottery activities."

Art Inspector Hamilton reported that the Lottery Committee had not been keeping accurate records of daily space assignments. Program Director Lazar stated that he felt the lotteries should be monitored.

Commissioner Taliaferro moved that the staff attend the lotteries and Lottery Committee meetings when possible, and that the Lottery Committee submit its minutes of meetings to the Program regularly. The motion was seconded by Commissioner Mayer and unanimously approved.

IV QUESTION ON LEGALITY OF LOTTERY COMMITTEE PREFERENCE POLL REGARDING "OCCUPANCY/12 NOON RULE"

Street Artists Bill Clark and Dale Axelrod told the Commissioners that the Lottery Committee's "preference poll" (circulated at the end of August, 1982) was political and, because it had not been authorized by a petition of twenty-five street artists, illegal. Mr. Axelrod stated that the poll was contained on a ballot for new lottery members, and that it has encouraged disregard for the occupancy rule.

Commissioner Taliaferro moved that the staff report on the preference

Continued.....

poll's alleged infraction of lottery rules and the degree of Lottery Committee compliance with Art Commission regulations. The motion was seconded by Commissioner Mayer and unanimously approved.

V REQUEST FOR POLICY ON NOTIFICATION TO ALL CERTIFICATE-HOLDERS REGARDING PUBLIC HEARINGS ON AMENDING CRAFT CRITERIA

Program Director Lazar informed the Commissioners that agendas of all meetings of the Program are mailed to Lottery Committee members for announcement at the lotteries, various departmental personnel, and all persons on the mailing list - approximately fifty persons notified each month.

Street Artist Dale Axelrod told the Committee that since the Program staff would be attending the lotteries, the staff could hand out notice of meetings on amending criteria. He also suggested that the implementation of any change in criteria be deferred for three months to allow the Program Director to inform every artist upon renewal of certification.

Commissioner Taliaferro requested that the staff continue its efforts to disseminate information to the Lottery Committee and at the lotteries.

VI REQUEST BY CERTIFICATE-HOLDER FOR CERTIFICATION OF NEW ITEM

Philip Curatola - requested certification to sell cassette tapes of "music written and performed by the artist, accompanied by his band."

Program Director Lazar summarized the issues presented by the Advisory Committee of Street Artists and Craftsmen Examiners in their letter of October 26, 1982.

Mr. Curatola told the Committee that he recorded his tape at an 8-track studio in San Francisco, and that he wrote the tunes, arranged them, and performed them on his mandolin and guitar. He supervised the tape production in all areas, he said. He submitted a petition of street artist signatures.

Commissioner Mayer clarified that this would be considered "documentation" of the artist's performance and would be introducing music into the Street Artists Program. As the Program is a visual arts program, he said, he was not convinced that a cassette was a "handcrafted item."

Mr. Curatola requested that the Program become an audio as well as visual program.

Commissioner Taliaferro said that his Committee was not prepared to make a decision, and that it should hear from attorneys and experts in the music field on whether music should be a part of the Program.

The meeting adjourned at 3:25 p.m.

Respectfully submitted;
Howard Lazar
Howard Lazar, Director
Street Artists Program

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STREET ARTISTS PROGRAM COMMITTEE

December 21, 1982
Public Health Building, Room 300
101 Grove Street, San Francisco

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MINUTES

Present: Commissioners Goerner and Mayer.

Commissioner Mayer called the meeting to order at 2:00 p.m.

I REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Elsie Wilson - appeared and stated that she had applied for certification on June 20, 1977 and found out recently from the Program that she had been sent notice in March, 1980. She did not receive the notice.

Commissioner Goerner moved that Ms. Wilson's request be approved. The motion was seconded by Commissioner Mayer and unanimously approved.

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Helen Rees - appeared and stated that her certificate had expired August 11, 1982, and that she had not known that the Program does not notify certificate-holders of their expiration date.

Commissioner Goerner moved that Ms. Rees's request be approved. The motion was seconded by Commissioner Mayer and unanimously approved.

Former Certificate-holders Lily Chiang, Thomas Chiang, and Phillip Owens, who had submitted requests for priority in issuance of certificates, did not appear. The Committee decided to hold over their requests.

III CRAFT VIOLATION REVIEWS (FINDINGS OF THE ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS

The following artists, who had received notices of alleged violation, did not appear at their hearings with the Advisory Committee and the Program Committee: David Braun, John Dobson, Robert Wild, Beverly Nicole, Marilyn Fong, Susan Sherriff, and Richard Wasserman. Letters requesting postponement of hearings had been received from Mr. Braun, Mr. Dobson, Ms. Nicole, Mrs. Fong, Ms. Sherriff. The Program Committee decided to reschedule these cases for the following month.

Continued.....

The only scheduled artist who had received a notice of alleged violation and also appeared at both Committee hearings was Joyce Kung. Ms. Kung had been cited for Street Artist Violation II, "CATEGORY OF CRAFT CERTIFIED, BUT ONE OR MORE ITEMS DISPLAYED DO NOT MEET ART COMMISSION CRITERIA" - Beadcraft/Pendant Criteria. According to the Minutes of the Advisory Committee on December 21st, the Advisory Committee found a violation (S.A.V. II) in the photo taken of her display, due to the display of commercially manufactured pendants. The Advisory Committee had found no violation in the work which Ms. Kung had presented at her hearing.

Commissioner Goerner moved that Ms. Kung be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Mayer and unanimously approved by the Committee.

IV NEW BUSINESS

Program Director Lazar reported that Mr. James Bazil, whose certificate had been suspended for three months by the Commission on December 6th, had filed an appeal with the Board of Permit Appeals. His hearing is scheduled for January 5, 1983. Ms. Penny Valle, whose certificate had been suspended for one year by the Commission, had not filed an appeal.

Respectfully submitted:

Howard Lazar

Howard Lazar

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STREET ARTISTS PROGRAM COMMITTEE

RECOMMENDATIONS FROM METINGS OF JANUARY 16th, 1983

REQUEST BY FORMER CERTIFICATE HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

I. NANCY SCOTT - CERTIFICATE EXPIRED 12/21/82; TELEPHONED OFFICE 1/5/83 requesting hearing.

RECOMMENDATION: APPROVAL OF Ms. SCOTTS'S REQUEST FOR PRIORITY ABOVE THE WAITING LIST OF APPLICANTS, IN THE ISSUANCE OF CERTIFICATE.

KWOK LAN LAM - CERTIFICATE EXPIRED 12/4/82; SUBMITTED LETTER 1/3/83 REQUESTING HEARING.

RECOMMENDATION: APPROVAL OF Ms.LAM'S REQUEST FOR PRIORITY ABOVE THE WAITING LIST OF APPLICANTS, IN THE ISSUANCE OF CERTIFICATE.

JOYCE McGUIRE-CERTIFICATE EXPIRED 12/18/82,SUMITTED LETTER 1/5/83 REQUESTING HEARING.

RECOMMENDATION: APPROVAL OF Ms.McGUIRE'S REQUEST FOR PRIORITY ABOVE THE WAITING LIST OF APPLICANTS, IN THE ISSUANCE OF CERTIFICATE.

CRAFT VIOLATION REVIEWS

II.

A. ROBERT WILD

RECOMMENDATION: THAT Mr.WILD BE FOUND IN VIOLATION, STREET ARTIST VIOLATION IV. SECTION 2 (CATEGORY OF CRAFT NOT CERTIFIED, AND ITEMS DISPLAYED ARE DETERMINED TO BE NOT OF THE ARTIST'S OWN CREATION) AND THAT HIS CERTIFICATE BE SUSPENDED FOR THREE MONTHS.

B. MARILYN FONG

RECOMMENDATION: THAT Ms.FONG BE FOUND IN VIOLATION, STREET ARTIST VIOLATIONS II, AND IV SECTION 2 BUT THAT THE PENALTIES BE SUSPENDED. Ms. FONG WAS WARNED THAT ANY FUTURE VIOLATIONS OF THIS TYPE WILL WARRENT A ONE YEAR SUSPENSION.

C. ANYA SAGARA

RECOMMENDATION: THAT Ms.SAGARA BE FOUND IN VIOLATION, STREET ARTIST VIOLATION OF I, II, IV SECTION 2 AND THAT THE PENALTIES BE SUSPENDED.

CONT.....

C. ANYA SAGARA..... Ms.SAGARA WAS WARNED THAT ANY FUTURE VIOLATIONS OF THIS TYPE WILL WARRENT A ONE YEAR SUSPENSION.

D. RICHARD WASSERMAN

RECOMMENDATION: THAT MR. WASSERMAN BE FOUND IN VIOLATION, STREET ARTIST VIOLATIONS I, II, IV SECTION 2 AND THAT HIS CERTIFICATE BE SUSPENDED FOR THREE MONTHS, ONE WEEK, AND THREE DAYS.

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STREET ARTISTS PROGRAM COMMITTEE

Wednesday, January 26, 1983
2:00 p.m.
Public Library, Commission Room (3rd floor)
Larkin & McAllister Streets, San Francisco

A G E N D A

I REQUEST BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Nancy Scott - Certificate expired 12/21/82; telephoned office 1/5/83 to request hearing.

B. Kwok Lan Lam - Certificate expired 12/4/82; submitted letter 1/3/83 requesting hearing.

II REQUEST FOR APPEAL

A. James Bazil - request for appeal re: notice of alleged violation (Street Artist Violation I, Failure to Display Certificate Prominently) issued by Inspector on November 5, 1982.

III CRAFT VIOLATION REVIEWS (FINDINGS BY ADVISORY COMMITTEE)

Certificate-Holder	Alleged Violations
A. David Braun	II; III; IV Section 2
B. John Dobson	II (beadcraft/pendant criteria)
C. Robert Wild	IV Section 2
D. Beverly Nicole	II (beadcraft/pendant criteria)
E. Marilyn Fong	II (beadcraft/pendant criteria)
F. Susan Sherriff	IV Section 2
G. Richard Wasserman	I; II; IV Section 2
H. Richard Webster	I; IV Section 2
I. Anya Sagara	I; II; IV Section 2

IV HEARING ON CRITERIA FOR ENGRAVING (PROPOSAL FROM ADVISORY COMMITTEE)

V NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, February 22, 1983
2:30 p.m.
Main Library - Lurie Room (ground floor)
Larkin & McAllister Streets, San Francisco

A G E N D A

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Frank Ming Iu - Certificate #2683 expired 12/15/82; sent renewal payment 1/4/83; appeared late at 1/26 SAPC meeting; rescheduled for February meeting.

B. Ed Whitmore - Certificate # 994 expired 6/29/80; letter-request for priority received by office 1/17/83.

C. Charles Harris - Certificate #2410 expired 1/18/83; letter-request for priority received by office 2/3/83.

D. Tricia Huisman - Certificate #2407 expired 1/9/83; sent renewal payment postmarked 1/25/83; letter-request for priority received by office 2/9/83.

II HEARINGS ON ALLEGED VIOLATIONS (rescheduled from 1/26 SAPC Meeting)

Certificate-Holder	Alleged Violation(s)
A. James Bazil	S.A.V. I
B. David Braun	S.A.V. II; III; IV Section 2
C. John Dobson	S.A.V. II
D. Beverly Nicole	S.A.V. II; Advisory Committee Finding: S.A.V. IV Section 2
E. Robert Wild	S.A.V. IV Section 2; Advisory Committee Finding: S.A.V. IV Sec. 2

III REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Nancy Dong requests to take place of Clark Dong, on waiting list of applicants; Mr. Dong had applied 1/17/81 and is eligible for certification next month.

IV NEW BUSINESS

* * *

45 Hyde Street, Room 319 San Francisco, California 94102

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STREET ARTISTS PROGRAM COMMITTEE

February 22, 1983
Public Library, Lurie Room
Larkin and McAllister Streets
San Francisco

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MINUTES

Present: Commissioners Taliaferro, Hanson, Goerner

Chairman Taliaferro called the meeting to order at 2:37 p.m. Before proceeding with the items on the agenda, the Chairman read the entire text of the February 1, 1983 letter by Deputy City Attorney Boyajian. This was in response to questions submitted to the City Attorney by Program Director Lazar in August, 1982, regarding the Art Commission's jurisdiction in suspension and revocation of street artist certificates. Chairman Taliaferro stated that the letter's significance is that it clarifies the Art Commission's powers granted to it not only by the street artist ordinance but also by the Municipal Code. The Art Commission (it is now clarified) has the authority to suspend or revoke a street artist certificate for the following reasons:

1) Displaying items in locations not designated for street artists but adjacent to street artist locations;

2) Obstructing the duty of the Art Inspector or any staff member of the Art Commission;

3) Assaulting (a) the Art Inspector or any staff person of the Art Commission, (b) another street artist, (c) a customer or any person at the artist's sales location;

4) Violating the street artist regulations enumerated in the Police Code;

5) Conducting business in a disorderly, improper or hazardous manner.

In addition, the letter clarifies that the Art Commission "may ... exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked." It also clarifies that the Commission has "express power to revoke for good cause under the street artist regulations and pursuant to its broad discretionary powers under Section 26 of Part III," Municipal Code.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Frank Ming Iu - Mr. Iu did not appear. No action was taken.

Continued.....

B. Ed Whitmore - Certificate #994 expired June 29, 1980; his letter-request for priority was received by the Program January 17, 1983. Mr. Whitmore submitted documents from his medical doctor and his psychiatrist. He told the Committee that he had had surgeries and breakdowns in 1977 but had continued to pay for his permit until June, 1980. He said he felt able to participate in the Program.

Commissioner Goerner moved that Mr. Whitmore's request for priority be recommended for approval. The motion was seconded by Commissioner Hanson and unanimously approved.

C. Charles Harris - Mr. Harris did not appear. No action was taken.

D. Tricia Huisman - Certificate #2407 expired January 9, 1983; Mrs. Huisman's renewal payment was in an envelope postmarked January 25, 1983; her letter-request for priority was received by the Program on February 9, 1983. Mrs. Huisman told the Committee that she had been suffering from arthritis, had asked her husband to mail the renewal payment, and he had delayed.

Commissioner Goerner moved that Mrs. Huisman's request for priority be recommended for approval. The motion was seconded by Commissioner Hanson and unanimously approved.

Commissioner Goerner questioned Mrs. Huisman about her feelings toward the Art Inspector as expressed in her recent letters to the Mayor, Supervisor Nelder, and Commissioner Taliaferro - specifically, her statement that there was no need for an Art Inspector. Mrs. Huisman replied that it was useless to have an Inspector who was not doing the job properly. The Commissioner questioned her about a report that she had had difficulties with the previous Inspector. Mrs. Huisman replied that she and the previous Inspector had "had some psychological differences."

II HEARINGS ON ALLEGED VIOLATIONS (rescheduled from 1/26/83 Program Committee Meeting)

A. James Bazil - Program Director Lazar explained to the Committee that Mr. Bazil had been cited on November 5, 1982, for Street Artist Violation I (FAILURE TO DISPLAY CERTIFICATE PROMINENTLY), and that this was in addition to the citation given on the same date for a violation relative to the display of his work. The latter violation had been acted upon by the Art Commission whose decision had been appealed to the Board of Permit Appeals and upheld by the Board. Mr. Bazil's certificate was presently under a three-month suspension.

Art Inspector Hamilton testified that she had had to ask Mr. Bazil for his certificate, and that he had taken it from his wallet to show her.

Mr. Bazil stated that his display had not been fully set up. He

Continued.....

submitted letters in his favor from street artists Tricia Huisman, Wayne Szwed, and Guy Holman.

Ms. Hamilton stated that she felt he had been fully set up, and that this had been deemed to be the case by the Art Commission in its previous hearing with him.

Mr. Bazil requested the Committee to find that a mistake had been made on November 5th, and that he sould be allowed to sell.

Chairman Taliaferro moved to uphold the Art Inspector and that it be recommended that Mr. Bazil be found in violation, Street Artist Violation I, and that his certificate be suspended for three days, in accord with the Violation Code. The motion was seconded by Commissioner Goerner and unanimously approved.

B. David Braun - Mr. Braun did not appear. Program Director Lazar reviewed the events of the case: Mr. Braun's citation on July 31, 1982, for allegedly selling items not in accord with criteria (S.A.V. II), items whose craft category was certified but were not of his own creation (S.A.V. III), and items whose craft category was not certified and were not of his own creation (S.A.V. IV, Section 2); the question raised earlier and at the last Program Committee hearing of the Art Commission's jurisdiction over an artist selling in a non-street artist location; the six-month delay in City Attorney response to the question; and the Advisory Committee's finding that Mr. Braun had been in violation, S.A.V. IV Section 2, at the time of citation.

The Committee examined the photo taken at the time of citation. Chairman Taliaferro stated that, according to the recent City Attorney clarification, it appeared that Mr. Braun's case was within the Art Commission's jurisdiction.

Chairman Taliaferro moved to uphold the Art Inspector and finding of the Advisory Committee and that it be recommended that Mr. Braun be found in violation, Street Artist Violation IV, Section 2, that the penalty be suspended, and that any future violation of this type will warrant a one-year suspension of certificate. The motion was seconded by Commissioner Hanson and unanimously approved.

C. John Dobson - Mr. Dobson did not appear. (This was the third time he had failed to appear.) Program Director Lazar reviewed the events of the case: Mr. Dobson's citation on July 31, 1982 for allegedly selling items not in accord with criteria (S.A.V. II); the question concerning the Art Commission's jurisdiction over a street artist in a non-street artist location; and the six-month delay in receiving the City Attorney's clarification.

The Committee examined the photo taken at the time of citation. Chairman Taliaferro moved that it be recommended that Mr. Dobson be found in violation, Street Artist Violation IV, Section 2, that the

Continued.....

penalty be suspended, and that any future violation of this type will warrant a one-year suspension of certificate. The motion was seconded by Commissioner Hanson.

Chairman Taliaferro withdrew his motion. Commissioner Hanson withdrew her second to the motion and moved that it be recommended that Mr. Dobson be found in violation, Street Artist Violation VIIB (FAILURE TO APPEAR AT HEARING WITH ADVISORY COMMITTEE OR STREET ARTISTS PROGRAM COMMITTEE, WHEN NOTIFIED, 2ND VIOLATION), and that Mr. Dobson's certificate be suspended, in accord with the Violation Code, until his entire revocation procedure is completed. The motion was seconded by Commissioner Goerner and unanimously approved.

D. Beverly Nicole - Mr. Lazar reviewed the events: Ms. Nicole's November 20, 1982 citation for allegedly displaying items not in accord with criteria (S.A.V. II); the Advisory Committee's finding of S.A.V. IV, Section 2, for displaying haircombs that were not of the artist's own creation, and the Advisory Committee's inability to determine whether or not the earrings in the citation photo were in violation. The Advisory Committee had advised Ms. Nicole to show the earrings to the Program Committee.

Ms. Nicole told the Commissioners that she was certified for feathercraft. Chairman Taliaferro asked her if she had made the haircombs. She replied that she had not. Chairman Taliaferro stated that the rule that an artist makes what the artist sells has been the basic tenet of the Street Artists Program since its inception over ten years ago.

Commissioner Goerner moved to uphold the Advisory Committee's finding and that it be recommended that Ms. Nicole be found in violation, Street Artist Violation IV, Section 2, that the penalty be suspended, and that any future violation of this type will warrant a one-year suspension of certificate. The motion was seconded by Commissioner Hanson and unanimously approved.

E. Robert Wild - Mr. Wild was cited on November 15, 1982 for S.A.V. IV, Section 2. The Advisory Committee's finding was that Mr. Wild had been in violation, S.A.V. IV, Section 2. This finding was acted upon by the Program Committee at its previous meeting (January 26) at which time Mr. Wild had failed to appear. The Program Committee had recommended that the Advisory Committee's finding be accepted and that Mr. Wild's certificate be suspended, in accord with the Code, for three months. On the day of the Art Commission's consideration of the recommendation, Mr. Wild came to the Program office to request that his case be referred back to Committee because he had not received, or read, the notice mailed to him of the previous Program Committee hearing. The Art Commission granted his request.

Mr. Wild told the Commissioners that he did not disagree with

Continued.....

the Advisory Committee's finding.

Commissioner Hanson moved to uphold the finding of the Advisory Committee and that it be recommended that Mr. Wild be found in violation, Street Artist Violation IV, Section 2, that the penalty be suspended, and that any future violation of this type will warrant a one-year suspension of certificate. The motion was seconded by Commissioner Taliaferro and unanimously approved.

III REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Nancy Dong - Mr. Shu-tang Dong, a certified street artist, appeared with his daughter Nancy and his son Clark to request that his daughter take his son's place on the waiting list of applicants. (Clark Dong had applied January 17, 1981, and was presently eligible for examination of his wares.)

Commissioner Goerner stated that to grant such a request would be unfair to the approximately 400 applicants on the waiting list, many of whom have waited as long as Mr. Dong's son. Commissioner Goerner moved that Mr. Dong's request for his daughter to take his son's place on the waiting list be recommended for disapproval. The motion was seconded by Commissioner Hanson and unanimously approved.

IV NEW BUSINESS

A. Request by Former Certificate-holder Cornelia LeMire for Priority in Issuance of Certificate - Mr. Lazar explained that Ms. LeMire had notified the Program office of the expiration of her certificate after the agenda had gone out.

Ms. LeMire showed the Committee the envelope containing her renewal payment, erroneously addressed to "STREET ARTIST OFFICE, MISSION STREET & 3RD STREET, S F, CA" which had returned to her. Consequently, she had missed her deadline for renewal.

Commissioner Hanson moved that Ms. LeMire's request for priority be recommended for approval. The motion was seconded by Commissioner Goerner and unanimously approved.

B. Request by Richard Wasserman for Rescission of Art Commission Resolution Regarding Suspension of his Certificate and Referral Back to Committee - Mr. Lazar reported to the Committee that on February 14, 1983, Mr. Wasserman had called the office and stated that he had never received the letters mailed to him informing him of the Program Committee's recommendation to suspend his certificate and the Art Commission's February 7th resolution approving the recommendation. Mr. Lazar showed the Committee the two letters which had been returned. They had been sent to an address different from Mr. Wasserman's

Continued.....

present address. Mr. Wasserman had asked that he be heard by the Committee.

Commissioner Goerner moved that it be recommended that Resolution # 1983-444 regarding Richard Wasserman only be rescinded, and that Mr. Wasserman be notified to appear before the Street Artists Program Committee in March. The motion was seconded by Commissioner Hanson and unanimously approved.

Commissioner Goerner asked about the status of (a) the issue of criteria for engraving and (b) the issue of certifying recorded tapes of an applicant's music. Mr. Lazar responded that the Advisory Committee would be holding a hearing on engraving in March, and that the Program has not yet received a City Attorney response to his letter of January 5, 1983, regarding certification of recorded music.

The meeting adjourned at 4:07 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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3/22/83

City and County of San Francisco — Art Commission

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Commission

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, March 22, 1983 - 2:00 p.m.
Commissioners Room (3rd floor), Public Library
Larkin and McAllister Streets, San Francisco

A G E N D A

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Charles Harris (rescheduled from 2/22) - Certificate #2410 expired 1/18/83; his letter-request received by office 2/3/83.

B. Cynthia Anderson - Certificate #2652 expired 2/5/83; her letter-request received by office 3/4/83.

II HEARINGS ON ALLEGED VIOLATIONS

Certificate-Holder	Alleged Violation(s)
A. Susan Sherriff	S.A.V. IV, Section 2
B. Richard Wasserman	I; II; IV, Section 2
C. Richard Webster	I, IV, Section 2
D. Dolores Kalom	II; assault and obstruction of duty of Inspector
E. Mitchell Paradise	II; assault and obstruction of duty of Inspector
F. Matilde Cheng	II
G. Winnie Man	I;II; III
H. Joung Sun Park	II
I. Dennis Klein	II; IV, Section 2
J. Lisa Berkelhammer	II
I. Latifa Rainbow	II,B

III ADVISORY COMMITTEE: RECOMMENDATION OF CRITERIA FOR ENGRAVING

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Steven Phillips - applied 10/7/80; was notified for screening 4/20/82 but did not appear; his request received 2/14/83.

B. Zulima Gonzalez - requests that her partner Armand Frederick be certified; his name had not been listed on Ms. Gonzalez's application when filed.

C. Bill Petitte - applied 2/6/81, was notified 5/82.

V REQUEST BY CERTIFICATE-HOLDER JAMES BAZIL FOR RE-HEARING OF NOVEMBER 5, 1982 PROGRAM COMMITTEE RECOMMENDATION

VI NEW BUSINESS

(415) 558-3463
45 HYDE STREET, ROOM 319 [redacted]
SAN FRANCISCO 94102 [redacted]

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STREET ARTISTS PROGRAM COMMITTEE

March 22, 1983
Public Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

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M I N U T E S

The meeting convened at 2:09 p.m.

Present: Commissioners Taliaferro, Hanson, Goerner

Commissioner Goerner moved that the Minutes of the February 22, 1983 meeting be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Charles Harris (rescheduled from February 22; Certificate #2410 had expired January 18, 1983; his letter-request had been received by the Program office on February 3, 1983) Mr. Harris told the Committee that he had had upper respiratory problems when it had been time for him to renew.

Commissioner Goerner moved that Mr. Harris' request be approved; the motion was seconded by Commissioner Hanson, and unanimously approved.

B. Cynthia Anderson (Certificate #2652 had expired February 5, 1983; her letter-request had been received by the office on March 4th) Ms. Anderson told the Committee that she had forgotten to renew the certificate during the final week of its renewal period.

Commissioner Hanson moved that Ms. Anderson's request be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

C. Nicole Steneck (Certificate #2590 had expired February 3, 1983; her letter-request had been received March 10) Ms. Steneck told the Committee that she had been out of town during her time of renewal, and that she had had her certificate for two years.

Commissioner Goerner moved that Ms. Steneck's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

Continued.....

II HEARINGS ON ALLEGED VIOLATIONS

A. Susan Sherriff (Ms. Sherriff had been cited on December 6, 1982 for Street Artist Violation IV, Section 2: "Category of Craft Not Certified, and Items Displayed Are Determined to Be Not of Artist's Own Creation." On January 26, 1983, the Program Committee had referred the case to the Advisory Committee to review her items. On February 22, 1983, the Advisory Committee reviewed her items - "decorated hats with feathers, flowers, sewing" - and unanimously disapproved the items.) Ms. Sherriff was not present when the Committee called her name. Commissioner Taliaferro moved that she be found in violation, Street Artist Violation IV, Section 2, and that her certificate be suspended for three months; the motion was seconded by Commissioner Goerner and unanimously approved. Later on in the meeting, Ms. Sherriff appeared, and the Committee re-opened her hearing.

Ms. Sherriff told the Committee that she had been cited for Section 1 and not Section 2, and that she was now being charged with Section 2. Program Director Lazar explained that the office copy of her citation showed both "Section 1" and "Section 2" encircled, and that because the Art Commission had rescinded Section 1, the letter sent to Ms. Sherriff specified Section 2.

Commissioner Hanson moved that the case be postponed until after the receipt of City Attorney clarification on whether it is within the authority of the Commission to find an artist in violation in accord with a violation number different from that for which the artist was given notice; the motion was seconded by Commissioner Goerner and unanimously approved.

Commissioner Goerner considered that it would not be fair to ask Ms. Sherriff to return, and moved that the charges be dismissed. The motion was seconded by Commissioner Hanson and unanimously approved.*

B. Richard Wasserman (Mr. Wasserman had been cited on December 6, 1982, for Street Artist Violation I: "Failure to Display Certificate Prominently"; Street Artist Violation II: "Category of Craft Certified, But One or More Items Displayed Do Not Meet Art Commission Criteria"; and Street Artist Violation IV, Section 2.) Mr. Wasserman told the Committee that he had not properly displayed his certificate. He also stated that he was certified to sell macrame, and that because the criteria for macrame does not include pendants, he felt he had not been in violation in displaying the pendants.

Commissioner Taliaferro moved that Mr. Wasserman be found in violation, Street Artist Violation I, that his certificate be suspended for three days, and that the charges of Street Artist Violations II and IV, Section 2 be dismissed; the motion was seconded by Commissioner Goerner and unanimously approved.

* Art Commission Resolution #1982-95 authorizes the Program Committee to dismiss charges of cases, provided that any aggrieved person may appeal such Committee decisions to the Art Commission.

C. Richard Webster (Mr. Webster had been cited on December 7, 1982, for Street Artist Violation I and Street Artist Violation IV, Section 2.) Mr. Webster told the Committee that, with respect to S.A.V. I, it had been "negligence" on his part. He said that he had been having personal problems and would appreciate a second chance.

Commissioner Taliaferro moved that Mr. Webster be found in violation, Street Artist Violation I, that his certificate be suspended for three days, and that he be found in violation, Street Artist Violation IV, Section 2, but that the penalty be suspended; the motion was seconded by Commissioner Hanson and unanimously approved.

D. Dolores Kalom (Ms. Kalom was being charged for Street Artist Violation II and for allegedly assaulting and obstructing the duty of the Art Inspector on August 1, 1982.) Ms. Kalom was not present. Chairman Taliaferro stated that the Program had been advised by the City Attorney's office to put over Ms. Kalom's hearing until after the conclusion of her criminal trial. Program Director Lazar requested the Committee's authorization to respond to Ms. Kalom's attorney accordingly, but that to clarify that her hearing would be postponed on the condition that (as advised by the City Attorney) the criminal trial is concluded in the near future. Commissioner Goerner moved that the Program Director send such a letter; the motion was seconded by Commissioner Hanson and unanimously approved.

E. Mitchell Paradise (Mr. Paradise was being charged for Street Artist Violation II and for allegedly assaulting and obstructing the duty of the Art Inspector on August 22, 1982.) Mr. Paradise was not present. (Copies of his March 9, 1983 letter stating that he would not be able to attend had been sent to the Commissioners.) Commissioner Goerner moved that Mr. Paradise's hearing be put over for thrity days; the motion was seconded by Commissioner Hanson and unanimously approved. Commissioner Goerner asked Mr. Lazar to notify Mr. Paradise of the Committee's action.

F. Matilde Cheng (Ms. Cheng had been cited on December 10, 1982, for Street Artist Violation I and Street Artist Violation II. She had accepted the standard penalty for S.A.V. I and had received a suspension from January 12 - 14, 1983.) Ms. Cheng appeared with a translator who told the Committee that Ms. Cheng's items had been "leftovers" and that she was no longer displaying them.

Commissioner Taliaferro moved that Ms. Cheng be found in violation, Street Artist Violation II, but that the penalty be suspended; the motion was seconded by Commissioner Hanson and unanimously approved.

G. Winnie Man (Ms. Man had been cited on December 10, 1982, for Street Artist Violations I, II, and III.) Ms. Man did not appear. (The office had received her letter on March 15th, which stated that she would not

Continued.....

be able to attend her Advisory Committee hearing on that date, due to leg injury from an automobile accident.) Commissioner Taliaferro moved that Ms. Man's hearing be put over for thirty days; the motion was seconded by Commissioner Hanson and unanimously approved.

H. Joung Sun Park (Ms. Park had been cited on December 10, 1982, for Street Artist Violations I and II. She had accepted the standard penalty for S.A.V. I and had received a suspension from January 12 - 14, 1983.) Ms. Park appeared with a translator who told the Committee that Ms. Park had been trying to sell off her pendants from the previous year's stock and that she would not sell them anymore.

Commissioner Goerner moved that Ms. Park be found in violation, Street Artist Violation II, but that the penalty be suspended. The motion was seconded by Commissioner Hanson and unanimously approved.

I. Dennis Klein (Mr. Klein had been cited on December 10, 1982, for Street Artist Violation I and II. His certificate had been suspended for S.A.V. I from January 12 - 14, 1983.) Mr. Klein was not present. Commissioner Goerner moved that Mr. Klein's hearing be put over for thrity days; the motion was seconded by Commissioner Hanson and unanimously approved.

J. Lisa Berkelhammer(had been cited on December 10, 1982, for Street Artist Violations I and II.) Ms. Berkelhammer told the Committee that she had prominently displayed her certificate and that the notice given her by the Inspector did not specify S.A.V. I.

Art Inspector Hamilton told the Committee that she had asked her for her certificate and that Ms. Berkelhammer had produced it from a wallet.

Commissioner Goerner moved that the charge of S.A.V. I for Ms. Berkelhammer be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

Ms. Berkelhammer told the Committee that she understood her items had been in violation.

Commissioner Hanson moved that Ms. Berkelhammer be found in violation, Street Artist Violation II, but that the penalty be suspended; the motion was seconded by Commissioner Goerner and unanimously approved.

K. Latifa Rainbow (Ms. Rainbow had been cited on December 10, 1982, for Street Artist Violations I and II-B. Her certificate had been suspended for S.A.V. I from January 12 - 14, 1983.) Ms. Rainbow was not present. Program Director Lazar informed the Committee that she had telephoned the office on March 17th to request that her hearing with

Continued.....

both the Advisory Committee and Program Committee be scheduled in May, as she would be back in the country on May 7th. Commissioner Goerner moved that Ms. Rainbow's hearing be put over to May; the motion was seconded by Commissioner Hanson and unanimously approved.

III ADVISORY COMMITTEE: RECOMMENDATION OF CRITERIA FOR ENGRAVING

Mr. Lazar informed the Committee that the Advisory Committee had scheduled another hearing on engraving criteria, for April.

IV REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Steven Phillips (Mr. Phillips had applied October 7, 1980, had been notified for screening April 20, 1982, but had not appeared; his request for priority had been received February 14, 1983.) Mr. Phillips told the Committee that, while he had been away, a person staying in his house had not forwarded the mail to him.

Commissioner Goerner moved that Mr. Phillips' request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Armand Frederick Mr. Frederick appeared with certificate-holder Zulima Gonzalez who told the Committee that at the time she had applied, she had put her company's name and her own name on the application and had not known that she should have placed her partner's name, Armand Frederick, on it as well in order for him to be certified at the same time. They showed the Committee their present State Seller's Permit and a copy of their Seller's Permit at the time of her application with the Art Commission: the Permits listed both names.

Commissioner Hanson moved that Mr. Frederick's request be approved; the motion was seconded be Commissioner Goerner and unanimously approved.

C. Bill Petitte (Mr. Petitte had applied February 6, 1981, and had been notified in May, 1982.) Mr. Petitte told the Committee that he had moved and his mail had not been forwarded to his new address.

Commissioner Hanson moved that Mr. Petitte's request be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

V REQUEST BY CERTIFICATE-HOLDER JAMES BAZIL FOR RE-HEARING OF NOVEMBER 5, 1982 PROGRAM COMMITTEE RECOMMENDATION

Mr. Bazil did not appear. Commissioner Taliaferro moved that Mr. Bazil's request be disapproved; the motion was seconded by Commissioner Goerner and unanimously approved.

Continued.....

VI NEW BUSINESS

"Allowable Time Period" Provision

Mr. Lazar informed the Committee of a recent conversation with Deputy City Attorney Boyajian, regarding the Street Artist Violation Code's provision of "allowable time periods for repeat violations." According to the Deputy City Attorney, the provision appears vague in determining a time period: possible interpretations might be (a) from the date of the previous violation; (b) from the date of the previous Art Commission resolution; (c) the date of the previous Board of Permit Appeals decision; or (d) the date of the previous suspension period. Presently, the certificate of Penny Valle is under a one-year suspension (December 20, 1982 - December 19, 1983). Ms. Valle's violation had been considered a repeat violation within a two-year allowable time period from the date of her previous suspension period. Because of the "time period" provision's vagueness, Mr. Lazar requested that the Committee recommend that the Commission rescond its resolution #1982-398 as it pertains to "second violation" only and that it find Ms. Valle in first violation which warrants a three-month suspension.

Commissioner Hanson moved that Art Commission resolution #1982-398 as it pertains to "second violation" only be rescinded and that Ms. Valle be found in first violation; the motion was seconded by Commissioner Goerner and unanimously approved.

Waiver of Charge for Returned Check Without Payment

Mr. Lazar informed the Committee of his receipt of written clarification by Chief Assistant Treasurer Gin L. So on the collection of charges for returned checks. Since 1979, the Program has collected a $10 Treasurer's fee for all returned checks without payment (for certification fees); this has been in accord with San Francisco Administrative Code Section 10.13-1. Recently, a street artist contested paying the Treasurer's fee; her bank supported her contention that her checkbook had been stolen and a forger had depleted her funds. This had prompted Mr. Lazar to seek clarification from the Treasurer. Mr. So's memo-response states: "Each department shall have the discretion to waive this penalty if it can be proven that it was caused by extenuating circumstances beyond their control, such as bank errors." Mr. Lazar told the Committee he would not use such discretion without authorization by the Art Commission for every case.

Commissioner Hanson moved that the collection of the charge for personal check returned without payment, written by Leslie Ovechka, be waived; the motion was seconded by Commissioner Goerner and unanimously approved.

Moratorium on Certification for Engraving

Art Inspector Hamilton reported that the Advisory Committee had requested a moratorium on the certification of engraving, pending the Art Commission's decision on new criteria for engraving.

Continued.....

Commissioner Goerner moved that a one-month moratorium be imposed on certification of engraving; the motion was seconded by Commissioner Hanson and unanimously approved.

Uranium in Cloisonne Jewelry

Commissioner Goerner expressed concern over a recent report on uranium content in the glaze painted on cloisonne jewelry. Art Inspector Hamilton told the Committee she had received a press release from the Nuclear Regulatory Commission which states that "the staff has concluded that normal use of the jewelry does not constitute an immediate or significant health hazard. ..." Commissioner Goerner asked Mr. Lazar to call Dr. Silverman of the Department of Public Health and find out his position on this.

The meeting adjourned at 3:25 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco — Art Commission

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MAYOR

Joan Ellison
DIRECTOR

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Ray Taliaferro

Ex Officio Members:

Presidents of the
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Library Commission
Planning Commission
Recreation and Park
Commission

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, April 26, 1983 - 2:00 p.m.

Public Library, Main Branch
Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco

A G E N D A

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Frank Ming Iu (rescheduled from 2/22) - Certificate #2683 expired 12/15/82; sent renewal payment 1/4/83.

B. David Moses - Certificate #2655 expired 2/9/83; request for priority received by office 3/21/83.

C. Joseph Beckman - Certificate #2378 expired 3/16/83; request for priority received by office 4/1/83.

D. Abraham Petrow - Certificate #2672 expired 3/8/83; request for priority received by office 4/1/83.

E. Richard Ashton - Certificate #442 expired 3/16/83; request for priority received by office 4/6/83.

II HEARINGS ON ALLEGED VIOLATIONS

	Alleged Violation(s)
A. Mitchell Paradise	S.A.V. II; assault and obstruction of duty of Art Inspector
B. Winnie Man	S.A.V. I; II; III
C. Dennis Klein	S.A.V. II; IV Section 2
D. John Osterhaug	S.A.V. II
E. Sheryl Breaux	S.A.V. II; III; IV Section 2; obstruction of duty of Art Inspector
F. Ronald Breaux	Obstruction of duty of Art Inspector
G. Gerald Luckham	S.A.V. II; IV Section 2
H. Roger Dandridge and Cheryl Maxa	S.A.V. I; II; IV Section 2 " " " " "

III CRITERIA FOR ENGRAVING (RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS)

(agenda continued on reverse)

IV APPEAL BY SUSAN SHERRIFF OF ADVISORY COMMITTEE'S 2/22/83 DISAPPROVAL OF MS. SHERRIFF'S ITEMS

V BALLOT MEASURE TO AMEND SECTION 6 OF PROPOSITION "L" (1975 ELECTION) BY PROVIDING THE STREET ARTIST WITH OPTION TO PURCHASE QUARTERLY OR YEARLY CERTIFICATE; AND BY PROVIDING FOR BOARD OF SUPERVISORS TO INCREASE FEE WHEN NECESSARY TO MAINTAIN ADMINISTRATION AND AND ENFORCEMENT OF STREET ARTISTS PROGRAM

VI NEW BUSINESS

* * *

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4/26/83

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, April 26, 1983
Public Health Building, Room 300
101 Grove Street, San Francisco

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M I N U T E S

The meeting convened at 2:10 p.m.

Present: Commissioners Taliaferro, Goerner, Hanson. Also present: President Swig.

Due to an announcement that the Committee would hold a discussion on terminating the Art Commission's responsibility for the Street Artists Program, an audience of approximately 150 artists attended the meeting. The item was taken under "New Business."

Chairman Taliaferro related the history of the Street Artists Program since its establishment in 1972 as a program under which licenses would be issued for street artist activities in certain public areas. He pointed out that the Program has been self-sufficient from the permit (certification) fees, that the fee has remained the same since 1972, and that the City has never given the Art Commission funds to operate the Program. He questioned whether any agency could operate effectively and competently with resources as limited as the Street Artists Program's. He enumerated the major problems:

1) Advisory Committee Examinations of Street Wares - inability to effectively determine whether or not an applicant makes his items, due to lack of resources to provide studio visits;

2) Lottery Practices - cheating, trading of lottery numbers, disputes over the "squeezing" of setups illegally between spaces;

3) Violation Hearing Procedure - because an alleged violator's entire hearing procedure (two Committees, Art Commission, and Board of Permit Appeals) may encompass five or six months, ongoing violations by the same individual take a long time to correct;

4) Criminal Incidents - Art Commissioners, not having been educated in criminal prosecution, are now asked to handle assault and battery cases;

5) Lack of resources;

6) Lack of staff;

7) Lack of any real authority to limit the number of permits;

8) Lack of quality control over what is being sold on the streets.

The Chairman estimated what the Program would cost if it were to go to the Police. Given, primarily, the additional staff needs of the Police,

Continued.....

the District Attorney, and the Public Defender, the cost of operating just the enforcement aspect of the Program would be $250,000, as compared with the present budget of $48,000. If the Program were to remain under the Art Commission, a budget increase would be needed for additional Advisory Committee examinations of wares, City Attorney fees, and an additional Street Art Inspector (the Chairman mentioned that not even a part-time Police officer would receive the $17,000 salary received by the Art Commission's Inspector). Unless there were radical legislative changes, a strong commitment on the part of the artists to comply with the regulations, and more funds, the Chairman would recommend to the Board of Supervisors that the Art Commission's responsibility for the Program be terminated.

Attorney Ephraim Margolin stated that because the Art Commission has responsibility for the Program, it also has responsibility for an orderly turnover. He said that the people he represented wanted the Commission to continue doing the job, and that his clients would be willing to try to work out solutions to several of the Chairman's grievances.

The Committee heard from the following street artists: Victor Pizarro; Linda Stark (President of the Street Artists Association); Katrina Broomall, who presented a petition of 140 signatures obtained at the lottery, requesting the Commission to remain the administrative agency of the Program; David Moses; Douglas Smith; Vicky Carp; James Millard; Wayne Konkright; Mark Kielty (member of the Art Commission's 1980 "Blue Ribbon Committee" of artists and merchants studying the Program); Mitchell Paradise. The following points were made: The certificate fee is "absurdly low" and it would be "reasonable" to double or triple it. ... More street inspection is needed on a consistent basis. ... The lottery system needs improvement. ... Some "judging" of the wares should be done. ... There should be a stronger Advisory Committee to "disallow bad work." ... The "adversary position" of the artists and Art Commission has deteriorated the quality of the Program and has pulled both parties apart. ... Every street artist should sign a statement that he/she understands the rules. ... The Lottery Committee has begun to consider revising its rules and offers to help the Commission to change them. ... Artists convicted of street artist violations should pay a fine. ... Artists should pay for their studio inspection. ...

Commissioner Goerner stated that part of the problem is the attitude toward inspection, that when inspection resumed after a two-year absence, the attitude toward any kind of enforcement was disturbing. He added that his Committee had heard the same kinds of promises and guarantees before, and that if the Program's experience of the previous six months continues, the Program should go to the Police.

Chairman Taliaferro stated that two issues could be addressed at the November ballot: (1) The Board of Supervisors to receive the power to set the certificate fee rate; and (2) the Supervisors to have the power to limit the number of certificates.

President Swig stated that a ballot measure in November would provide five months for a review of the Program's needs, and that, in case the people do not vote for the Art Commission's measure, there should be a

Continued.....

back up measure, or else the Program would remain as it is.

Commissioner Goerner asked the audience for a show of hands of those who favored continuation of the Program under the Art Commission; the response was unanimous. He asked how many favored stricter enforcement; unanimous. He asked how many wanted the Program to go to the Police; one person raised his hand.

Commissioner Hanson stated that one of the things learned in the past decade is that government is by consent, and that without consent, there is no government. She felt there was a strong need for a situation of commitment on the part of the artists to the Program and a sense of collaboration between the Commission and the artists. Commissioner Hanson moved that the Committee accept the invitation to meet with the artists; however, if the problems are insolvable, the Committee would plan to turn over the Program to another agency. The Commissioner amended her motion to state that the meetings of the Committee with the artists and merchants produce recommendations within thirty days from the present date. The motion was seconded by Commissioner Goerner and unanimously approved.

The Committee requested Program Director Lazar to obtain a room for a meeting on Wednesday, May 4th, at 1:00 p.m.

*

Commissioner Hanson moved that the minutes of March 22, 1983 Program Committee meeting be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Frank Ming Iu - Mr. Iu was not present; his request was not considered.

B. David Moses - Certificate #2655 expired February 9, 1983; his request for priority had been received by the office March 21, 1983. Mr. Moses appeared. Commissioner Taliaferro moved that Mr. Moses' request be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

C. Joseph Beckman - Certificate #2378 expired March 16, 1983; his request for priority had been received April 1, 1983. Mr. Beckman appeared. Commissioner Goerner moved that Mr. Beckman's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

D. Abraham Petrow - Certificate #2672 expired March 8, 1983; his request for priority had been received April 1, 1983. Mr. Petrow appeared. Commissioner Taliaferro moved that Mr. Petrow's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

Continued.....

E. Richard Ashton - Certificate #442 expired March 16, 1983; his request for priority had been received April 6, 1983. Mr. Ashton appeared. Commissioner Taliaferro moved that Mr. Ashton's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

II HEARINGS ON ALLEGED VIOLATIONS

A. Mitchell Paradise (Mr. Paradise had been cited on August 22, 1982 for Street Artist Violation II: "Category of Craft Certified, But One or More Items Displayed Do Not Meet Art Commission Criteria." According to the Art Inspector, Mr. Paradise had, on the same date, allegedly assaulted and obstructed the duty of the Inspector. This case had been held in file, at the City Attorney's recommendation, pending clarification of the Art Commission's jurisdiction over cases involving assault and obstruction of duty; clarification was written on February 1, 1983, whereupon Mr. Paradise was sent notice to appear for hearings. In its review on April 19th of alleged violation II only, the Advisory Committee found that (a) Mr. Paradise's wares shown in the citation-photo had been in violation, and (b) his work shown to the Committee was in violation - "Pendants in violation.") Mr. Paradise appeared.

Commissioner Taliaferro asked Inspector Hamilton if there were witnesses to the alleged assault. Ms. Hamilton replied that there were none. Commissioner Taliaferro said that it was a criminal matter to be handled by the court, and that it would be the Commission's responsibility to take into consideration the court's findings on a criminal case. As there were no witnesses on the Inspector's behalf, Commissioner Taliaferro moved to dismiss the charges of assault and obstruction of duty; the motion was seconded by Commissioner Hanson and unanimously approved.

Commissioner Taliaferro moved to accept the findings of the Advisory Committee, that Mr. Paradise be found in violation, Street Artist Violation II, but that the penalty be suspended, and that any future violation of this type will be considered as a second violation; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Winnie Man (Ms. Man had been cited on December 10, 1982 for Street Artist Violations I: "Failure to Display Certificate Prominently"; II; and III: "Category of Craft Certified, But One or More Items Displayed Are Not of Artist's Own Creation." In its review on April 19th, the Advisory Committee found that (a) Ms. Man's wares shown in the citation-photo had been in violation, and (b) her work shown to the Committee was acceptable.) Ms. Man appeared with an interpreter.

The interpreter told the Committee that Ms. Man agreed she had been in violation and promised never to repeat the mistakes.

Commissioner Taliaferro moved that Ms. Man be found in violation, Street Artist Violations I, II, and III, but that the penalty be suspended, and that any future violations of these types will be considered as a second violation; the motion was seconded by Commissioner Hanson and unanimously approved.

Continued.....

C. Dennis Klein - Program Director Lazar told the Committee that he had been notified that Mr. Klein was out of the country. Commissioner Goerner moved that Mr. Klein's hearing be put over until his return; the motion was seconded by Commissioner Hanson and unanimously approved.

D. John Osterhaug (Mr. Osterhaug had been cited on December 10, 1982, for Street Artist Violations I and II. He had accepted the standard penalty for S.A.V. I and his certificate had been suspended January 12 - 14, 1983. In its review on April 19th, the Advisory Committee found that (a) Mr. Osterhaug's wares shown in the citation-photo had been in violation, and (b) his work shown to the Committee was acceptable.) Mr. Osterhaug appeared.

Commissioner Taliaferro moved that Mr. Osterhaug be found in violation, Street Artist Violation II, but that the penalty be suspended, and that any future violation of this type will be considered as a second violation; the motion was seconded by Commissioner Hanson and unanimously approved.

E. Sheryl Breaux - Mr. Lazar told the Committee that he had been notified by Mr. Ron Breaux that both Ron and Sheryl Breaux would be unable to attend their hearings this month and requested rescheduling for the following month. Commissioner Goerner moved that Ms. Breaux's hearing be put over for thirty days; the motion was seconded by Commissioner Hanson and unanimously approved.

F. Ron Breaux - Commissioner Goerner moved that Mr. Breaux's hearing be put over for thirty days; the motion was seconded by Commissioner Hanson and unanimously approved.

G. Gerald Luckham (Mr. Luckham had been cited on December 18, 1982, for Street Artist Violations I, II, and IV, Section 2. He had accepted the standard penalty for S.A.V. I and his certificate had been suspended January 27 - 29, 1983. In its review on April 19th, the Advisory Committee found that Mr. Luckham's wares shown in the citation-photo had been in violation - "belt buckles not attached to belts ... he only violated ... II - not IV, Section 2".) Mr. Luckham appeared.

Commissioner Taliaferro moved that Mr. Luckham be found in violation, Street Artist Violation II, but that the penalty be suspended, and that any future violation of this type will be considered a second violation; the motion was seconded by Commissioner Goerner and unanimously approved.

H. Roger Dandridge and Cheryl Maxa - Mr. Lazar told the Committee that he had received word that both Mr. Dandridge and Ms. Maxa were unable to appear. Commissioner Goerner moved that the hearings for Mr. Dandridge and Ms. Maxa be put over thirty days; the motion was seconded by Commissioner Hanson and unanimously approved.

III ADVISORY COMMITTEE RECOMMENDATION ON CRITERIA FOR ENGRAVING

Continued.....

Mr. Lazar presented the Advisory Committee's recommendation of April 12th: "The only items that may be engraved upon and displayed are items that have been certified as the artist's own creation." Under this criteria, artists could not display engraved items which they do not make; similarly, artists could not engrave upon items brought to them by customers.

Attorney Regina Sneed requested a grace period with a deadline of September 6th (the day after Labor Day) for the engravers to terminate their display of engraved items they do not make.

Commissioner Taliaferro moved that the Advisory Committee's recommendation of criteria for engraving be approved, and that a grace period with a deadline of September 6th be imposed upon the Program's engravers to terminate their display of engraved items they do not make, and that during this grace period, the engravers be notified of the new criteria; the motion was seconded by Commissioner Hanson and unanimously approved.

IV APPEAL BY SUSAN SHERRIFF OF ADVISORY COMMITTEE's 2/22/83 DISAPPROVAL

Mr. Lazar informed the Committee that Ms. Sherriff had told him she wished to defer her appeal to the following month. Commissioner Hanson moved that Ms. Sherriff's hearing be put over for thirty days; the motion was seconded by Commissioner Goerner and unanimously approved.

V NEW BUSINESS

A. Stockton Street Spaces - Ms. Eunice Rodriguez told the Committee that Officer Ray West of Central Station's Permit Section had never received notice of DPW's painting white the curb zone on Stockton Street by the Hyatt Hotel, and that Mr. Lazar also stated that the Street Artists Program had never been notified either. The white curb has made the eight street artist spaces illegal. She requested the Art Commission to take action.

Mr. Lazar told the Committee that one possible course of action would be to request the Supervisors to retain by resolution the spaces on a temporary year-to-year basis, as in the case of the Beach Street spaces - provided, of course, that the City Attorney finds that it is possible to retain spaces adjacent to a white zone.

Commissioner Taliaferro moved that a letter be sent to the Board of Supervisors to request that the Board do whatever is possible to retain the eight street artist spaces on Stockton Street, west side, between Post and Sutter Streets; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Francisco Rappa - Certificate # 2740 expired March 30, 1983; his request for priority in issuance of new certificate had been received April 21, 1983. Mr. Rappa appeared. Commissioner Goerner moved that Mr. Rappa's request for priority be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

The meeting adjourned at 4:50 p.m.

Respectfully submitted
Howard Lazar
Howard Lazar

City and County of San Francisco

Art Commission

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STREET ARTISTS PROGRAM COMMITTEE

SPECIAL MEETING ON LEGISLATION FOR STREET ARTISTS PROGRAM

Wednesday, May 4, 1983

1:30 p.m.

Public Health Building

Room 300 (3rd floor)

101 Grove Street (at Polk Street)

San Francisco

A G E N D A

I PROPOSALS FOR LEGISLATION

II NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

Special Meeting on Legislation
for Street Artists Program

May 4, 1983
Public Health Building, Room 300
101 Grove Street, San Francisco

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M I N U T E S

Commissioners Present: Taliaferro, Goerner, Hanson

Chairman Taliaferro called the meeting to order at 1:30 p.m. and stated that, two days earlier, the Art Commission voted to place on the November ballot a measure to provide the Board of Supervisors with power to increase the street artist certificate fee and to provide artists with the option to purchase a yearly certificate. In order to meet the Board of Supervisors' May 18 deadline of receiving legislation for the November ballot, the Art Commission had taken its vote subject to confirmation by the Program Committee at this meeting. Chairman Taliaferro recommended that the Board of Supervisors be asked to further amend the ordinance by providing the Board with the authority to limit the number of certificates.

Attorney Ephraim Margolin stated that he had met with many artists and was authorized by them to make recommendations that would entail saving money for the Art Commission and improvement of the Program. He suggested that the Commission's legislation be placed at the next election following November in order to see if his recommendations would work. He suggested the following: (1) the establishment of a "street artist peer review" to handle violation cases, the "peer review" done by rotation so that no artist would know who would be judging his violation. An artist, upon receiving a certificate, would agree to contribute time for this. Decisions by the "peer review" would be appealed to the Art Commission; (2) the levying of an application fee on applicants in order to cover the expenses related to the Advisory Committee's studio visits; (3) the appointment of a street artist to the Advisory Committee; (4) the establishment of a yearly renewal of certificates which would save staff time; (5) the establishment of a limit on certificates, tied to a ratio of viable spaces but not falling below the present number of certificates. Mr. Margolin requested that the Committee appoint someone to meet with him and his clients, and stated that self-regulation has enough promise in it to defer a vote of increased fees.

Chairman Taliaferro responded with the following: (1) there is a direct conflict of interest with street artists having the authority to screen the wares of other street artists and to review the violations of other street artists; (2) an application fee is an excellent proposal and in keeping with other departments who charge fees to review projects; (3) the problem of artists' setups "squeezed" illegally between legal

Continued.....

spaces exemplifies the ongoing disobedience to the rules and regulations; if the artists want to legalize "squeezing" they would have to change the ordinance; there is no compromise, however, on whether or not the Program should be enforced; (4) the lottery (space-assignment procedure) should be operated by the Art Commission's staff, as the Commission is responsible by law for the lottery; lacking staff, the Commission has allowed the artists to run the lottery, and this exemplifies the question of the Art Commission having the resources to properly run the Program; (5) the Board of Supervisors should limit the number of certificates as it does with other permits. The present number of certificate-holders should be the bottom number. At present, the Art Commission is following the artists' recommendation of screening newcomers in accord with the number of persons giving up their certificates; (6) as the City Attorney clarified years before that street artists may not serve on the Advisory Committee, due to conflict of interest, artists may elect someone to attend every meeting and to report the actions at the following lottery.

Commissioner Hanson observed that the Street Artists Program started out with certain ideals as an art program, then incurred more and more problems until the Commission reached an attitude that the Program may not be an art program at all but should be turned over to the Police. She said that new attitudes, new ideas, and certain turnarounds would have to be considered. The present format of a hearing made it difficult to explore new directions; the Commissioners and the artists were still in an adversary position. She questioned whether there was a way to approach the issues differently.

Chairman Taliaferro stated that they shouldn't delude themselves that the Program can, at present, be operated fiscally. He said that nearly all the street artists he has talked with over the past three weeks felt they could take a raise in their fee if it were justified.

Commissioner Goerner questioned Mr. Margolin about the actual number of artists he represented and whether his usage of the word "unanimity" meant "interest" or "overall vote" of the street artists. Mr. Margolin replied that his meeting was attended by about forty artists, some of whom had been on the Art Commission's "Blue Ribbon Committee" reviewing the Street Artists Program and some from the Street Artists Association. He said that seven notices of the meeting had been issued in a five-day period.

Commissioner Goerner stated that he still was not convinced that the purvue for the Program should remain with the Art Commission. He said he had an entire folder of street artist complaints, mostly about lack of enforcement, a folder on lottery problems, a folder of merchants' complaints that the Art Commission isn't doing its job, police complaints ... If any legislation that would help enforce the Program were delayed, there would be a year and a half of inadequate enforcement. He added that he could not visualize a peer group operating successfully because of peer pressure itself. Furthermore, economic "viability" could be

Continued.....

discussed ad infinitum; what the Commission needs, however, is the mechanics to run its Street Artists Program - if it decides to continue to run it. Otherwise, the Program should go to an agency which could properly operate it.

Mr. Lloyd Pflueger, General Manager of the Downtown Association of San Francisco, told the Committee that his organization's primary concern is that the Art Commission might relinquish the Program, and the Downtown Association did not want to see this happen. There should, he said, be proper policing of the Program by the Art Commission; the Police Department should deputize the Commission with more enforcement capability than it has. He added that it was unfortunate that the Commission has no authority over unlicensed persons. Policing is the key to the Street Artists Program. Because the Police Department has always told the Downtown Association that street artist enforcement is low priority, the Association feels that the job should be properly done by the Art Commission. In order to receive the necessary staff for this, Mr. Pflueger said he would support the Art Commission's ballot argument and would write one himself.

Chairman Taliaferro cited the Art Commission's responsibility to the citizens, the visitors to the city, the 600 certified street artists - a number greater than that belonging to the Street Artists Association - and the merchants. He concluded that the Art Commission has a direct legal responsibility to these parties to properly govern its Program. He urged that the Commission ask the Board to place on the November ballot the two proposed amendments to the street artist ordinance. He also urged that concerned street artists continue to meet with thw Program's staff in developing recommendations.

The Committee received testimony from street artists Bennett Weiss (The Commission shouldn't go to the ballot "piecemeal with just two items"), Mark Kielty (Money may not solve the Program's problems), and Mitchell Paradise (More money is not the answer; the true answer is to redesign the Program to operate more efficiently).

Commissioner Hanson moved that the Committee sustain the ballot measure adopted as Resolution 1983-590 by the full Art Commission on May 2, 1983. The motion was seconded by Commissioner Goerner and unanimously approved.

Commissioner Hanson moved that an early meeting time be established to begin exploration of the Street Artists Program's problems. The motion was seconded by Commissioner Goerner and unanimously approved.

Mr. Margolin requested the Committee to furnish a list of problem areas. The Committee directed Mr. Lazar to send him a copy of the Committee's April 26, 1983 Minutes. Mr. Margolin said that as soon as he received the Minutes, he would set up a meeting.

The meeting adjourned at 3:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

President Swig

City and County of San Francisco — Art Commission

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Commission

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, May 24, 1983 - 2:00 p.m.

Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets, San Francisco

A G E N D A

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Miriam Berntsen - Certificate #2744 expired 4/5/83; her letter-request for priority received by office 4/25/83.

B. Christine Hince - Certificate #617 expired 4/9/83; sent renewal payment 5/3/83.

C. Caroline Laib - Certificate #1163 expired 4/13/83; request for priority received 5/12/83.

D. Michael Norris - Certificate # 1164 expired 4/13/83; request for priority received 5/12/83.

II REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Susan Barreto and Presentacion Barreto - applied 10/21/80; responded on 3/10/82 that they were still interested in obtaining certificates; did not receive notice for screening of 6/15/82.

B. Kathryn Enders - screened by Advisory Committee on 10/19/76; request to work as family unit member with Mark Kielty.

C. Susan Costa - request to be added to application of Paul Costa (Mr. Costa applied 2/3/82).

D. Candace Hegan - request to be added to application of Thomas Gilberti (Mr. Gilberti applied 11/30/81 and was certified 5/9/83).

III HEARINGS ON ALLEGED VIOLATIONS

Certificate-holder	Alleged Violation(s)
A. Latifa Rainbow	II-B
B. June Richard	III
C. Charyl Maxa and Roger Dandridge	II; IV Section 2
D. Sheryl Breaux	II; III; IV Section 2
E. Ronald Breaux	Obstruction of duty of Art Inspector

(agenda continued on reverse)

45 Hyde Street - Suite 319 - San Francisco, California 94102 (415) 558-3463

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= STREET ARTISTS PROGRAM COMMITTEE

May 24, 1983
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco

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= M I N U T E S

Commissioners Present: Taliaferro, Goerner

Chairman Taliaferro called the meeting to order at 2:15 p.m.

Commissioner Goerner moved that the Minutes of April 26, 1983 be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Miriam Berntsen - Certificate #2744 expired April 5, 1983; her letter-request for priority was received by the Program office on April 25, 1983. Ms. Berntsen appeared before the Committee. Commissioner Goerner moved that Ms. Berntsen's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Christine Hince - Certificate #617 expired April 9, 1983; Ms. Hince sent her renewal payment to the office on May 3, 1983. She told the Committee that she had thought the renewal grace period had been extended to a thirty-day period. Commissioner Goerner moved that Ms. Hince's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Caroline Laib and Michael Norris - Certificates #1163 and #1164, respectively, expired April 13, 1983. In their communication to the office, the artists said that their fees had been mailed on time to the former Art Commission address; the office never received them. They requested priority in issuance of new certificates on May 12, 1983. On May 13, 1983, the fees and original envelope postmarked "April 11" arrived, and the staff renewed their certificates. Commissioner Goerner moved that the renewal of Ms. Laib's certificate be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved. Commissioner Goerner moved that the renewal of Mr. Norris' certificate be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

II REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Susan Barreto and Presentacion Barreto - applied October 21, 1980, responded to the office's inquiry,on March 10, 1982, that they were still interested in obtaining certificates, but did not receive the notification for their screening scheduled June 15, 1982. Commissioner

Continued.....

Goerner moved that the request for priority of Susan and Presentacion Barreto be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Kathryn Enders - Ms. Enders' wares were examined by the Advisory Committee on October 19, 1976; but Ms. Enders had taken a job instead of proceeding with her certification. She told the Committee that she requested priority in order to be able to work with her husband, street artist Mark Kielty. Commissioner Goerner moved that Ms. Enders' request for priority be approved with the proviso that her wares be approved by the Advisory Committee at the next available screening session; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Susan Costa - May 4, 1983 request to be added to application of Paul Costa who applied February 3, 1982. Program Director Lazar informed the Committee that his office received, on May 23rd, a request from Ms. Costa for postponement of her hearing, for six to eight weeks. Commissioner Goerner moved that Ms. Costa's request for postponement be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

D. Candace Hegan - letter-request from Thomas Gilberti to add Ms. Candace Hegan to his application (Mr. Gilberti applied November 30, 1981, and was certified May 9, 1983). Neither Ms. Hegan nor Mr. Gilberti appeared. Commissioner Goerner moved to put over the request; the motion was seconded by Commissioner Taliaferro and unanimously approved.

III HEARINGS ON ALLEGED VIOLATIONS

A. Latifa Rainbow - Ms. Rainbow was cited on December 10, 1982 for alleged Violations I and II-B. She was sent the option to take a standard penalty suspension for No. I; as no penalty acceptance was received from her, her certificate was suspended January 12 - 14, 1983. With respect to No. II, Ms. Rainbow was heard by the Advisory Committee on the morning of May 24, 1983; the Advisory Committee, in its examination of the citation-photo, found that the earrings and necklaces in the photo did not meet Art Commission criteria and therefore constituted Violation II. In its examination of the work itself, the Advisory Committee found that her earrings were not in violation but that her necklaces were in violation. Mr. Lazar informed the Program Committee that, on September 13, 1982, the Art Commission had found Ms. Rainbow in violation, Violation No. II, and had suspended the penalty.

Commissioner Taliaferro moved that the Advisory Committee's findings on Ms. Rainbow be approved and that Ms. Rainbow be found in violation, Street Artist Violation No. II-B (second violation), and that her certificate be suspended accordingly for a period of four weeks; the motion was seconded by Commissioner Goerner and unanimously approved.

Continued.....

Ms. Rainbow was advised by Commissioner Goerner of her right to appeal to the Art Commission on June 6th and her right to appeal to the Board of Permit Appeals.

B. June Richard - Mr. Lazar informed the Committee that he had heard from Ms. Richard that she had moved and had not received notification of her hearings but had heard from another artists that she was on the agendas; she requested time to prepare her case and wrote the office for a postponement of one month. Commissioner Goerner moved that Ms. Richard's request for postponement of thirty days be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Cheryl Maxa and Roger Dandridge - Mr. Lazar told the Committee that Ms. Maxa had called the office to request postponement, for the second time, of her hearing and Mr. Dandridge's hearing. Commissioner Goerner moved that Ms. Maxa's request for postponement of her hearing and Mr. Dandridge's hearing be approved, that the hearings shall be put over for thirty days, and that Ms. Maxa and Mr. Dandridge be advised that the Program Committee shall hear their cases regardless of the artists' absence; the motion was seconded by Commissioner Taliaferro and unanimously approved.

D. Sheryl Breaux and Ronald Breaux - Mr. Lazar told the Committee that he had received a telephone call from Sheryl Breaux requesting postponement, for the second time, of their hearings. Ms. Breaux had said that a member of the family had passed away and that another member had been hospitalized. Commissioner Goerner moved that Mrs. Breaux's request for postponement of her hearing and Mr. Breaux's hearing be approved, that the hearings shall be put over for thirty days, and that Mr. and Mrs. Breaux be advised that the Program Committee shall hear their cases regardless of the artists' absence; the motion was seconded by Commissioner Taliaferro and unanimously approved.

E. Claudia Hart - Mr. Lazar told the Committee that he had received notification from Ms. Hart that she would not be in town at the time of her hearings and requested postponemnt of a month. Commissioner Goerner moved that Ms. Hart's request for postponement be approved and that her hearing be put over for one month; the motion was seconded by Commissioner Taliaferro and unanimously approved.

F. Bruce Krutel - Mr. Lazar told the Committee that Mr. Krutel had requested postponement because of his involvement in an out-of-town craft fair on the day of his hearing; Mr. Krutel had appeared at his hearing with the Advisory Committee requesting information on his case but refusing to have his hearing. He had requested the Committee to come to his studio and watch him make his craft, because he did not want to demonstrate it in a public hearing with other artists present. Commissioner Goerner moved that Mr. Krutel's request for postponement be approved, that his hearing be put over

Continued.....

for thirty days, and that he be informed that he must bring his craft to the Advisory Committee for examination; the motion was seconded by Commissioner Taliaferro and unanimously approved.

G. Aline Sar - Mr. Lazar told the Committee that, one half hour prior to this Program Committee meeting, he had received a call from Ms. Sar stating that she had confused the dates of her hearings and had missed that morning's hearing with the Advisory Committee. She requested postponement of a month. Commissioner Goerner moved that Ms. Sar's request for postponement be approved, and that her hearing be put over for thirty days; the motion was seconded by Commissioner Taliaferro and unanimously approved.

H. Philip Curatola - Mr. Lazar told the Committee that he had received a communication from Mr. Curatola's attorney who requested postponement so that he would have time to prepare a case. Commissioner Goerner moved that Mr. Curatola's attorney's request for postponement be approved, and that his hearing be put over for thirty days; the motion was seconded by Commissioner Taliaferro and unanimously approved.

I. Betty Bundschu - Ms. Bundschu was cited on March 6, 1983 for alleged Violation IV, Section 2. She had appeared before the Advisory Committee on the morning of May 24th; the Advisory Committee, in its examination of the citation-photo, had found that Ms. Bundschu had been in violation, Violation No. III (not IV Section 2) due to the display of brass bracelets. In its Minutes, the Advisory Committee recorded: "She agrees ... that she was selling bracelets that she did not make. But she is screened for fabricated jewelry." Ms. Bundschu told the Program Committee that the Inspector had cited her on the day she displayed the bracelets but removed them immediately, never having sold one, and hasn't had them on her table since. The Commissioners ascertained that the Art Commission had found her in violation - a different violation, No. II - on November 1, 1982, and had suspended the penalty. Commissioner Goerner moved that the Advisory Committee's findings on Ms. Bundschu be approved, that she be found in violation, Street Artist Violation No. III, that the penalty be suspended, and that any future violation of this type will be considered as a second violation; the motion was seconded by Commissioner Taliaferro and unanimously approved.

J. Jerome Fong - Mr. Lazar told the Committee that Mr. Fong had notified the office of his inability to attend his hearings on May 24 and had requested a rescheduling of hearings. Commissioner Goerner moved that Mr. Fong's request for rescheduling be approved, and that his hearing be put over for thirty days; the motion was seconded by Commissioner Taliaferro and unanimously approved.

IV APPEAL OF SUSAN SHERRIFF OF ADVISORY COMMITTEE'S 2/22/83 DISAPPROVAL OF MS. SHERRIFF'S ITEMS (rescheduled from 4/26 Program Committee)

Ms. Sherriff did not appear. Commissioner Taliaferro moved that no action be taken on Ms. Sherriff's request; the motion was seconded by Commissioner Goerner and unanimously approved.

Continued.....

V REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Joyce Garvey - applied December 8, 1981; requested postponemnt of her screening until May, 1984. Commissioner Goerner moved that Ms. Garvey's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

VI RECOMMENDATION FROM ADVISORY COMMITTEE: RESCISSION OF ART COMMISSION RESOLUTION 1982-302 (AMENDMENT TO "BEADSTRINGING/PENDANTS" CRITERIA)

Mr. Lazar reported that the Advisory Committee, at its meeting of April 19, 1983, voted unanimously to recommend to the Art Commission rescission of its amendment to the "BEADSTRINGING/PENDANTS" criteria, amendment as follows: "A commercially manufactured pendant may be permissible in a beaded necklace when the pendant has been determined by the Advisory Committee to be an integral element of and subordinate to the total design of the necklace." Commissioner Taliaferro moved that the Advisory Committee's recommendation be approved; the motion was seconded by Commissioner Goerner. The Committee proceeded to hear from the Advisory Committee, the Art Inspector, and artists.

Advisory Committee Chairman Betsy Meyers stated that many violations continue as a result of the commercially manufactured pendants and artists misinterpreting the criteria, and that the amendment is unworkable. Street artist Tad Sky requested that a special meeting be posted of the Advisory Committee to hear the matter thoroughly. Street artist Mitchell Paradise stated that there have been next to no second violations of artists resulting from the amendment, and stated also that there was precedent in the Street Artists Program for the Advisory Committee to hold a special meeting whenver criteria is to be reviewed. Art Inspector Hamilton told the Committee that, based on her discussions with the artists, there is great confusion over the meaning of the amendment, and that it is difficult to communicate to a number of people.

Commissioner Taliaferro clarified that when the Commission passed the amendment last year, it was slearly discussed that the Advisory Committee would work with it and that if, in their opinion, it did not work, they would inform the Program Committee - and they have done so now. If the Advisory Committee feels there is a problem with it, he felt the Program Committee should support the Advisory Committee.

Street artist Linda Stark and Mr. Sky requested another hearing on the matter which would provide the opportunity to educate artists that there might be changes in criteria. Ms. Stark said that if xeroxed agendas could be delivered to the lotteries by the Art Inspector, they could be disseminated and more people would know of the hearing. Commissioner Taliaferro stated that he hoped that in the future the Program would have enough money to keep all artists informed, that artists of a particular crafts category would all be informed whenever a meeting would be held affecting their craft.

Continued.....

Commissioner Goerner withdrew his second to the motion, and moved that the matter be sent back to the Advisory Committee for a recommendation to be submitted to the Program Committee at its next meeting; the motion was seconded by Commissioner Taliaferro and unanimously approved.

VII NEW BUSINESS

A. Request by former certificate-holder Rosemarie Douglas for priority in issuance of new certificate - Certificate #2790 expired April 29, 1983; her request received May 16, 1983, after agenda had gone out. Ms. Douglas appeared before the Committee. Commissioner Goerner moved that Ms. Douglas' request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Request for postponement of Dolores Kalom hearing - Mr. Lazar submitted a May 18 letter from Ms. Sandra Coliver of Attorney Margolin's office, informing the Program that Ms. Kalom's trial has been set for June 28th and is expected to conclude by June 30th, 1983, and requesting that any Art Commission hearings involving Ms. Kalom be postponed until July 1 or thereafter. Commissioner Goerner moved that Ms. Coliver's request on behalf of Ms. Kalom be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Request by staff to establish office hours for certification - Mr. Lazar requested the Committee authorization to establish specific hours during specific days in which the Program office would be open for certification in order to enable him to supervise the Program and monitor street artist activities on the street at certain times of the week. Commissioner Goerner moved that the staff request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

D. Request from staff for investigation of sales spaces in Longshoreman's Union lot - Art Inspector Hamilton reported that a number of artists have complained to her about the existence of sales spaces being rented from Longshoreman's Union lot on Taylor Street; she had contacted the Zoning Department whose personnel said they were not aware of this but felt the Union may be in violation of Zone III; she asked that a letter be sent to Zoning requesting an investigation of the matter. Commissioner Goerner moved that the staff request for a letter-request for such an investigation be approved; the motion was seconded by Commissioner Taliaferro and approved.

Commissioner Goerner stated that twelve alleged violation cases had been granted postponement today, some of them for the second time. He noted that this put a burden on Mr. Lazar and the Commissioners and requested that every effort be made to hear cases of citation as promptly as possible.

Commissioner Goerner asked Mr. Lazar to inform him of the date of the Board of Supervisors' consideration of the Art Commission's request for restoration of the street artist spaces on the west side of Stockton Street. He moved to adjourn the meeting; the motion was seconded by Commissioner Taliaferro and unanimously approved. The meeting adjourned at 3:25 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

City and County of San Francisco — Art Commission

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6/21/83

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, June 21, 1983 - 2:30 p.m.

Main Library - Commission Room
Larkin and McAllister Streets
San Francisco

A G E N D A

I REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Edythe J. Khazzoom - applied May, 1976, was screened March, 1979, but did not obtain certificate.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Cynthi Turner and Michael Turner - Certificates # 51 and #50 expired March 8, 1981; request for priority received June 1, 1983.

B. Josephine Harris - Certificate # 2704 expired May 9, 1983; request for priority received June 2, 1983.

C. Natalie Goff - Certificate # 2433 expired May 8, 1983; her renewal payment was mailed (postmarked) May 31, 1983.

III HEARINGS ON ALLEGED VIOLATIONS

Certificate-holder	Alleged Violation(s)
A. June Richard	III
B. Cheryl Maxa and Roger Dandridge	I; II; IV Section 2
C. Sheryl Breaux	I; II; III; IV Section 2 obstruction of duty of Art Inspector
D. Ronald Breaux	Obstruction of duty of Art Inspector
E. Claudia Hart	II; III
F. Bruce Krutel	II; III
G. Aline Sar	II
H. Philip Curatola	IV Section 2
I. Jerome Fong	Section 2 (of IV)

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IV ADVISORY COMMITTEE RECOMMENDATION REGARDING AMENDMENT TO "BEADSTRINGING/ PENDANTS" CRITERIA

V NEW BUSINESS

* * *

City and County of San Francisco

Art Commission

STREET ARTISTS PROGRAM COMMITTEE

June 21, 1983
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco

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M I N U T E S

Present: Commissioners Taliaferro and Hanson.

Chairman Taliaferro called the meeting to order at 2:30 p.m.

I REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Edythe J. Khazzoom - applied May, 1976, was screened by Advisory Committee in March, 1979, but did not obtain a certificate. Ms. Khazzoom appeared before the Program Committee and stated that she had been unable to obtain a certificate at the time because of health problems and having to take care of her child. Commissioner Taliaferro moved that Ms. Khazzoom's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Cynthi and Michael Turner - Certificates #51 and #50 expired March 8, 1981; their request for priority was received by the office June 1, 1983. The Turners appeared before the Committee. Commissioner Taliaferro moved that Cynthi and Michael Turner's request for priority be disapproved; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Josephine Harris - Certificate #2704 expired May 9, 1983; her request for priority was received June 2, 1983. Ms. Harris appeared. Commissioner Taliaferro moved that Ms. Harris' request for priority be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

C. Natalie Goff - Certificate #2433 expired May 8, 1983; her renewal payment was postmarked May 31, 1983. Ms. Goff appeared. Commissioner Taliaferro moved that Ms. Goff's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

III HEARINGS ON ALLEGED VIOLATIONS

A. June Richard. Program Director Lazar reviewed the case for the Committee: Ms. Richard was cited on December 28, 1983, for Street Artist Violation III. She was scheduled to appear before the Advisory Committee and Program Committee on May 24, but had submitted a request

Continued.....

for postponement which was granted by the Program Committee. At her hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found that Ms. Richard's work had been in violation, Street Artist Violation IV: "She made the work but she was not certified for it," according to the Committee's minutes. Ms. Richard appeared before the Program Committee. Commissioner Taliaferro moved that Ms. Richard be found in violation, Street Artist Violation IV, that the penalty be suspended, and that any future violation of this type will be considered a second violation; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Cheryl Maxa and Roger Dandridge. Ms. Maxa and Mr. Dandridge were cited on December 18, 1982, for Street Artist Violations I, II, and IV Section 2. They were given the option of accepting standard penalties for Violations I and IV or of requesting a hearing with the Program Committee. They requested a hearing, in their reply of January 19, 1983. (The Program Committee, therefore was scheduled to hear all their alleged violations.) They were scheduled to appear before both Committees in April; they requested and were granted a postponemnt to May. Scheduled for hearings in May, they requested and were granted a postponement to June. At their hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found that Ms. Maxa and Mr. Dandridge had not been in violation. They appeared before the Program Committee, and stated that, with regard to alleged Violation I, their certificates had been out on display. Commissioner Taliaferro moved that the charges against Ms. Maxa and Mr. Dandridge for Street Artist Violations I, II, and IV Section 2 be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved. Ms. Maxa requested that steps be taken to correct the citation-hearing procedures.

C. Sheryl Breaux. Ms. Breaux was cited on December 19, 1982 for Street Artist Violations I, II, III, IV Section 2. According to the Street Art Inspector's report, Ms. Breaux had obstructed the duty of the Inspector. Ms. Breaux was given the option of accepting standard penalties for Violations I and IV or of requesting a hearing. In her reply of January 12, 1983, she requested a hearing. She was scheduled to appear before both Committees in April; she requested and was granted a postponement to May. Scheduled for hearings in May, she requested and was granted a postponement to June. At her hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found that Ms. Breaux had not been in violation with regard to the photo taken at time of citation; nor was she in violation with regard to her work shown to the Committee. Ms. Breaux appeared before the Program Committee and stated that, with regard to Violation I, her certificate had been on display. Ms. Tricia Huisman, a certified street artist, testified that the certificate had been on display. Commissioner Taliaferro moved that the charges against Ms. Breaux for Street Artist Violations I, II, III, and IV Section 2 be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

D. Ronald Breaux. On December 19, 1982, according to a report by the Art Inspector, Mr. Breaux had obstructed the duty of the Inspector when the Inspector was issuing a citation to Sheryl Breaux. Mr. Breaux was notified to appear before the Program Committee in April, 1983; he requested and

Continued.....

was granted a postponement to May. Scheduled for May, he requested and was granted a postponement to June. He appeared before the Program Committee. Ms. Jacqulyn Hamilton, who had been the Inspector at the time of the alleged incident, was not present to testify. Commissioner Taliaferro moved that the charge against Mr. Breaux for obstruction of duty of the Inspector be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

E. Claudia Hart. Ms. Hart was cited on December 18, 1982, for Street Artist Violations II and III. She was notified to appear before the Committees in May, 1983; she requested and was granted a postponement to June. At her hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found her in violation, Street Artist Violation II: "...Hats with feathers, netting & silk flowers; we do not feel that the hats have been significantly altered. She is certified for feather work but not hats." Ms. Hart told the Program Committee that she felt she had altered the hats significantly by adding feathers to them. Commissioner Taliaferro moved that Ms. Hart be found in violation, Street Artist Violation II, but that the penalty be suspended; the motion was seconded by Commissioner Hanson and unanimously approved.

F. Bruce Krutel. Mr. Krutel was cited on December 28, 1982 for Street Artist Violations II and III. He was scheduled for hearings in May and requested and was granted postponement to June. At his hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found him in violation, Street Artist Violation II: "...The attaching of feathers to commercial hats is a violation; artist blocks the hats, but Advisory Committee doesn't view blocking or finishing technique as art or craft ..." Mr. Krutel appeared before the Program Committee. Commissioner Taliaferro moved that the Advisory Committee submit a definition of what constitutes hatmaking; the motion was seconded by Commissioner Hanson and unanimously approved.

G. Aline Sar. Ms. Sar was cited on February 14, 1983, for Street Artist Violation II. She was scheduled for hearings in May and requested and received postponement to June. At her hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found that she was not in violation. Ms. Sar appeared before the Program Committee. Commissioner Taliaferro moved that the charge against Ms. Sar of Street Artist Violation II be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

H. Philip Curatola. Mr. Curatola was cited on March 6, 1983, for Street Artist Violation IV, Section 2. He was scheduled for hearings in May and requested and received postponement to June. At his hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found him in violation, Street Artist Violation IV, for the display of seashell nitelights (these had been examined by the Advisory Committee on January 25, 1983, and had been disapproved). The Committee gave no finding with respect to Mr. Curatola's alleged display of cassette tapes, as no decision had been issued by the City Attorney as to whether such items are within the jurisdiction of the Art Commission. Mr. Curatola and his attorney, Mr. Alan Hoffman, appeared before the Program Committee. Mr. Hoffman stated that it was true that his

Continued.....

client was not certified for the nitelights. Commissioner Taliaferro moved that Mr. Curatola be found in violation, Street Artist Violation IV, with regard to the display of nitelights, and that the penalty be suspended; the motion was seconded by Commissioner Hanson and unanimously approved.

Mr. Hoffman told the Committee that his client had not been selling the tapes but had been asking for a donation for them, and had not felt he was breaking the law at the time; he had wanted to get some exposure for his talent. Commissioner Taliaferro moved that the matter be held in abeyance until clarification is received from the City Attorney; the motion was seconded by Commissioner Hanson and unanimously approved.

Mr. Curatola stated that he had no notice that he would have been in violation with regard to Section 2. Mr. Hoffman stated that his client was not guilty of Street Artist Violation IV with regard to the cassette tapes because he had not been selling them, and that there is no rule or regulation by the Art Commission or a committee that giving away tapes and asking for a donation to defer costs constitutes selling.

I. Jerome Fong. Mr. Fong was cited on March 6, 1983, for Street Artist Violation IV, Section 2. He accepted the standard penalty for IV, and his certificate was suspended from April 1 - 14, 1983. He was scheduled for hearings (for Section 2) in May, and requested and received postponement to June. At his hearing with the Advisory Committee on the morning of June 21st, the Advisory Committee found him in violation of IV, Section 2: "He agreed the photo was in violation." Mr. Fong appeared before the Program Committee and stated that he had thought the two-week standard penalty was for both Violation IV and Section 2. Commissioner Taliaferro moved that Mr. Fong be found in violation, Street Artist Violation Section 2 (of IV), and that the penalty be suspended; the motion was seconded by Commissioner Hanson and unanimously approved.

IV ADVISORY COMMITTEE RECOMMENDATION REGARDING AMENDMENT TO "BEADSTRINGING/PENDANTS" CRITERIA

Program Director Lazar reported that the Advisory Committee had met that morning and had reviewed street artist Tad Sky's proposal to retain the amendment approved last fall, to keep the wording of the amendment but to set it apart in the crafts criteria as a separate category entitled "BEADSTRINGING WITH COMMERCIALLY MANUFACTURED PENDANTS." Artists would have to be screened under this just as if they would for any other craft category. The Advisory Committee recommended that Mr. Sky's proposal be adopted. Commissioner Taliaferro moved that the Advisory Committee's recommendation be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

The meeting adjourned at 3:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco — Art Commission

Dianne Feinstein
MAYOR

Joan Ellison-Wong
DIRECTOR

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, ~~June~~ July 19, 1983 - 2:15 p.m.

Main Library, Commission Room (3rd floor)
Larkin and McAllister Streets, San Francisco

A G E N D A

Commissioners

Roselyne C. Swig
President

Dmitri Vedensky, Jr.
Vice President

Vernon Alley
Timothy Duncan
Fredrick Goerner
Jo Hanson
Robert LaRocca
Jacqueline Nemerovski
William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF NEW CERTIFICATE

A. Mary Greenberg - Certificate #2773 expired May 19, 1983; her request for priority received June 10, 1983.

B. Hugh Simpson - Certificate # 2775 expired May 26, 1983; his request for priority received July 5, 1983.

C. Pedar Ronning - Certificate # 1309 expired April 9, 1983; his request for priority received July 7, 1983.

D. Michael Vallo - Certificate # 2770 expired May 10, 1983; his request for priority received July 8, 1983.

II REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Gregg P. Niceley.

B. Susan L. Costa .

III ADVISORY COMMITTEE RECOMMENDATION: CRITERIA FOR "HATMAKING"

IV CRAFT VIOLATION REVIEWS

Certificateholder	Alleged Violation Number
A. Bruce Krutel (hearing continued from 6/21)	II; III (re: hats with feathers)
B. Philip Curatola (Lawrence)	IV, Sec. 2 (re: cassette tapes)
C. Dennis Klein	I; II; IV Sec. 2 (re: jewelry items; hats; sweaters)
D. Lisa Berkelhammer	Alleged violation of Ord. 41-83, Sec. 2401(b) "Handcrafted Item" - report submitted by another street artist re: jewelry items

V NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

July 19, 1983
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco

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M I N U T E S

Present: Commissioners Taliaferro, Hanson, Goerner

Chairman Taliaferro called the meeting to order at 2:23 p.m. and spoke of the recent accomplishments of the Street Artists Program at the Board of Supervisors:

1) The redesignation of eight street artist spaces on Stockton Street as an area exempt from the regulation prohibiting artists adjacent to a white zone. (The Chairman congratulated street artist Eunice Rodriguez on her efforts in initiating the proposal and following it through, "the best example of citizen action.")

2) The passage of an amendment authorizing the Board to exempt designated street artist areas from the regulations pertinent to selling (Section 2405(c) of the Police Code).

3) The Rules and Legislation Committee's recommendation of approval of the Art Commission's ballot measure to authorize the Board of Supervisors to increase street artist certification fee and to provide the artists with the option to renew quarterly or yearly. (The Chairman pointed out that the certification fee has not been raised in eleven years; yet the demands of the Program have changed. An increase in fees would provide for Art Inspectors, as well as a monthly newsletter. Commissioner Goerner stated that a request for an increase would not be done without advise and consent.)

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Mary Greenberg - Certificate #2773 expired May 19, 1983; her request for priority was received by the office on June 10th. Mrs. Greenberg appeared and told the Committee that she had forgotten to renew because she had been entertaining many house guests. Commissioner Taliaferro moved that Mrs. Greenberg's request for priority be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Hugh Simpson - Mr. Simpson did not appear. Commissioner Goerner asked Mr. Lazar to notify Mr. Simpson for the next meeting and moved to put over his request; the motion was seconded by Commissioner Hanson and unanimously approved. Commissioner Hanson noted that Mr. Simpson's renewal had been sent to Art Commission, c/o City Hall, and had then been returned to him; she stated that a complaint should be sent to the City Hall Post Office for not forwarding it to the Art Commission.

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C. Pedar Ronning - Certificate #1309 expired April 9, 1983; his request for priority was received July 7th. Mr. Ronning told the Committee that he had suffered a heart attack last February and had undergone extensive medical treatment; his attention had not been on the renewal of his certificate. Commissioner Goerner moved that Mr. Ronning's request for priority be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

D. Michael Vallo - Certificate #2770 expired May 10, 1983; his request was received July 8th. Mr. Vallo told the Committee that he had left for New York on May 1st. On May 8th he had sent his renewal fee to the Art Commission's Mission Street address and had put his New York address as a return address on the envelope. When he returned from New York at the end of June, he realized he had never received his renewed certificate; he called the Program and found out that the Program had never received his payment. Commissioner Goerner moved that Mr. Vallo's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

II REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Gregg P. Niceley. Mr. Niceley told the Committee that he had received an application and information booklet from the Program in the mail, had filled out the application and mailed it back. This had been a year and a half ago, and he had not thought to call the office to see if his application had been received because he had been told that the waiting period for an applicant was a year and a half to two years. He finally called the office in April, 1983, and found out that his application had never been received. He submitted, to the Committee, the envelope which had contained the Program's booklet, mailed to him in 1982. Commissioner Goerner moved that Mr. Niceley's request be approved and that he be placed on the next list of applicants to be screened; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Susan Costa - did not appear. Commissioner Goerner moved to table Ms. Costa's request until she re-notified the Art Commission of her intention; the motion was seconded by Commissioner Hanson and unanimously approved.

III ADVISORY COMMITTEE RECOMMENDATION: CRITERIA FOR "HATMAKING"

Program Director Lazar informed the Committee that the Advisory Committee had held a hearing that morning on criteria for "hatmaking" as prompted by their recent hearings on feather-decorated hats. The Advisory Committee had decided to postpone a decision on the issue in order to research the craft of millinery as well as hatmaking; it may be necessary to add to the cet of criteria a new craft category: "Millinery." Mr. Lazar said he had notified Mr. Bruce Krutel and Ms. Claudia Hart, street artists who sell feather-decorated hats, to attend the Advisory

Continued.....

Committee hearing; both had appeared and given their input.

Mr. Krutel told the Program Committee that he would work with the Advisory Committee on new criteria. He said he appreciated the Program Committee sending this matter back to the Advisory Committee. He added that there were members on the Advisory Committee who felt that shaping a hat and dyeing it do not constitute a craft.

IV CRAFT VIOLATION REVIEWS

A. Bruce Krutel (hearing continued from 6/21 in which the Program Committee had refrained from taking action on Mr. Krutel's alleged violation and, insetad, had directed the Advisory Committee to submit a definition of what constitutes hatmaking). Commissioner Hanson moved to continue Mr. Krutel's hearing to the next meeting; the motion was seconded by Commissioner Goerner and unanimously approved.

B. Philip Curatola (Lawrence) (hearing continued from 6/21 in which the Program Committee had moved that the matter of Mr. Lawrence's alleged display of cassette tapes be held in abeyance until City Attorney clarification was received). Mr. Lawrence and his attorney, Mr. Alan Hoffman, appeared. Mr. Hoffman made the following points:

1. His client had had no notice as to whether he would be violating Section 2 (of Street Artist Violation IV, Violation Code).

2. The forthcoming City Attorney's opinion cannot be applied retroactively.

3. At the last meeting, Mr. Lazar and Mr. Hoffman had come away with opposite opinions of what the Advisory Committee had recommended with respect to the cassettes. Mr. Lazar had sent him a tape-copy of the tape recording of the meeting, but a section had been omitted from it.* Mr. Hoffman requested that the minutes of the last Program Committee be amended to reflect that he had raised this point (the difference in opinion), and that the Advisory Committee's recommendation be clarified.

4. The Program Committee could dismiss the charge because it is not clear as to what constitutes "selling." If the Committee wished to clarify it at this time, Mr. Hoffman requested that it not be applied retroactively to his client.

5. Mr. Lawrence was not trying to violate the spirit of the law. His intent was to distribute the tapes for publicity purposes.

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* I listened to the entire original recording of the meeting and found no ommission in Mr. Lawrence's hearing. I loaned the original to Mr. Hoffman at the Program Committee hearing. - H. L.

Chairman Taliaferro recommended that the Committee not move on the matter until the City Attorney opinion is received. Mr. Hoffman asked that his client not be cited until the issue is resolved. The Chairman stated that he would not recommend that anyone sell anything for which they are not certified.

Mr. Hoffman submitted as "Exhibit I" a transcription of the recording of the Advisory Committee meeting and requested that it be put in the record. He requested that two separate meetings be held: one for his client's alleged violation and one for the issue of certification of cassettes.

Chairman Taliaferro said that both matters would be taken up at the same meeting - one at the beginning of the meeting, with intervening issues, and the other at the end of the meeting.

Mr. Hoffman requested a copy of the agenda for the Program Committee's next meeting.

Commissioner Goerner moved to put over the hearing to the next meeting; the motion was seconded by Commissioner Hanson and unanimously approved.

C. Dennis Klein. Mr. Klein did not appear. Mr. Lazar informed the Committee that, on the previous day, the Program received a letter from Mr. Klein stating his inability to attend the scheduled meetings of both the Advisory Committee and the Program Committee. Prior to this, Mr. Klein had been notified to appear in March and had not appeared; he had been notified to appear in April, and the Program had received a letter from Mr. Klein's sister stating that her brother was out of the country until the end of June, 1983, and requesting postponement until his return. Commissioner Goerner said there had been more than sufficient notice and moved that Mr. Klein be found in violation, Street Artist Violation VII(B), "Failure to Appear for Hearing with Advisory Committee or Street Artists Program Committee, When Notified," and that, in accord with the SAV Code, Mr. Klein's certificate be suspended until his entire revocation procedure is completed; the motion was seconded by Commissioner Hanson and unanimously approved.

D. Lisa Berkelhammer. Ms. Berkelhammer did not appear. Mr. Lazar informed the Committee that Ms. Berkelhammer had written the office that she would be unable to appear until after August. This was her first notification for hearing. Commissioner Goerner moved that Ms. Berkelhammer's hearings be put over to September and that the Program notify her that she must attend; the motion was seconded by Commissioner Hanson and unanimously approved.

V NEW BUSINESS

Street artist Eunice Rodriguez reported that new certificate-holders at the lottery sign-in for spaces are being intimidated into "donating" money to

Continued.....

the Street Artist Coalition's attorney for getting the Stockton Street spaces back, and that newcomers feel they have to pay a dollar in order to get a space. Mrs. Rodriguez added that one artist said he thought the money was going to the attorney for the Art Commission.

Commissioner Taliaferro moved that a letter be sent to the Lottery Committee, clarifying that the only activities to be conducted at the lottery sign-in are those activities related to the assignment of spaces, and that there shall be no fundraising or political activities during the operation of the lottery and lottery sign-in; the motion was seconded by Commissioner Goerner who added that the letter stipulate that no attorney had been involved in any way in the redesignation of the Stockton Street spaces, that it had been an effort on the part of the street artists themselves and the Street Artists Program of the Art Commission, and that any collection of money for the spaces is being done under false pretenses. The motion was unanimously approved.

Mrs. Rodriguez said that she did not feel she needed an attorney to talk to the Art Commission or to the Board of Supervisors, and that respect should be shown where respect is due. She informed the Committee that, as of last Monday, artists were back in the Stockton Street spaces.

Commissioner Taliaferro said he would call Attorney Ephraim Margolin and alert him to the collections at the lottery sign-in.

Commissioner Goerner moved that the minutes of the Program Committee's June 21 meeting be approved with amendment as requested by Attorney Alan Hoffman; the motion was seconded by Commissioner Hanson and unanimously approved.

Commissioner Hanson asked about the Street Artist Awards program which the Art Commission had fostered in 1979 and 1980. Commissioner Taliaferro spoke of the on-location awards presentation and the special group exhibition in the gallery; it has been suggested that the Commission reinstitute the awards program, perhaps by the end of the year.

Commissioner Goerner asked Mr. Lazar to find out the extent of the gallery's scheduling and the time of year in which the Commission would be able to have such an exhibition.

The meeting adjourned at 3:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, August 23, 1983 - 2:00 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets, San Francisco

A G E N D A

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF NEW CERTIFICATE

A. Hugh Simpson - Certificate #2775 expired May 26, 1983; his request for priority received July 5, 1983; hearing rescheduled from July 19.

II REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Susan Costa - applied May 9, 1983; requests priority to be screened with husband, Paul Costa, who applied February 3, 1982.

B. Luz Simco - applied Sept. 23, 1981; never received screening notice

III REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Janet R. Christian Ferguson - requests postponement of screening of wares for one year.

IV ADVISORY COMMITTEE RECOMMENDATION: CRITERIA FOR MILLINERY

V CRAFT VIOLATION HEARINGS

Certificateholder	Alleged Violation
A. Bruce Krutel (hearing continued from 6/21, 7/19)	II; III (re: hats with feathers)
B. Dennis Klein	II; IV Section 2 (re: jewelry items; hats; sweaters)
C. Dolores Kalom	Assault and obstruction of duty of Art Inspector (alleged Violation II re: beadcraft items will be heard in September)

VI NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

August 23, 1983
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

M I N U T E S

Present: Commissioners Taliaferro, Hanson, Goerner

Chairman Taliaferro called the meeting to order at 2:05 p.m. He informed the Committee that on the previous day Commission Director Isaacs, Mr. Lazar, and he met with two councilmen from New Orleans who were interested in establishing a street artists program in their city.

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Hugh Simpson - Director Lazar reported that Mr. Simpson had telephoned him from Hawaii that morning and asked him to tell the Committee that he no longer wished to pursue his request. Commissioner Goerner moved that the request by Mr. Simpson be dismissed from the agenda; the motion was seconded by Commissioner Hanson and unanimously approved.

II REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Susan Costa - applied May 9, 1983; requested priority to be screened with her husband, Paul Costa, who applied February 3, 1982. Mr. and Mrs. Costa appeared and told the Committee that their craft is wood gift items, and that when Mr. Costa had applied, they thought the certificate would be issued to them both and therefore it was not necessary to list Mrs. Costa's name on the application. They claimed there had been a misunderstanding between the Program office and them. Mr. Lazar said that, to his knowledge, his assistant and he had always tried to make it clear that the issuance of a certificate is limited to one person but that all members of a "family unit" may apply for certificates (if they all wanted to sell). This had been clarified some ten years previously by the City Attorney.

Commissioner Goerner stated that if the request were approved, he could not see a means of stopping other people from wanting to join with people on the waiting list who were eligible for screening and thereby jumping over other

Continued.....

applicants. Mr. Lazar corroborated that his office receives such requests frequently.

Commissioner Goerner moved that Mrs. Costa's request for priority be disapproved; the motion was seconded by Commissioner Taliaferro. The vote was as follows: Ayes - Goerner, Taliaferro; Noes - Hanson.

Commissioner Goerner asked Mr. Lazar to ascertain the number of street artists who are members of family units and to survey the opinion of artists as to whether there is widespread dissatisfaction with the "family unit" status.

B. Luz Simco - Mr. Simco was not present. Commissioner Goerner moved that Mr. Simco's request for priority be dismissed from the agenda; the motion was seconded by Commissioner Hanson and unanimously approved.

III REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Janet R. Christian Ferguson - Mrs. Ferguson had applied December 31, 1981 and was eligible at this time for a screening; she was requesting postponement of screening for one year. Commissioner Goerner moved that Mrs. Ferguson's request for postponement be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

IV ADVISORY COMMITTEE RECOMMENDATION: CRITERIA FOR MILLINERY

On August 16th, the Advisory Committee of Street Artists and Craftsmen Examiners held their hearing on "millinery" and recommended the following criteria (which had been transmitted to the Commissioners prior to the Program Committee meeting):

> MILLINERY - a hat body that is significantly altered in form by the artist through the process of blocking or shaping, with the addition of adornments and trim (examples - ribbons, feathers, flowers, etc.)

Street artist Bruce Krutel told the Committee that he felt the Advisory Committee's "ruling" was consistent with other actions of the Art Commission, and that it would avoid legal troubles for the Commission. He added that he felt it maintained quality.

Commissioner Hanson moved that the Advisory Committee's recommended criteria for "millinery" be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

V CRAFT VIOLATION HEARINGS

A. Bruce Krutel - hearing continued from June 21 and July 19. Mr. Krutel had

Continued.....

been cited on December 28, 1982 for Street Artist Violations II and III for allegedly selling feather-decorated hats. At his hearing with the Advisory Committee on June 21, 1983, the Advisory Committee found him in violation, S.A.V. II, and commented: "The attaching of feathers to commercial hats is a violation; artist blocks the hats, but Advisory Committee doesn't view blocking or finishing technique as art or craft." At his subsequent hearing with the Program Committee on June 21st, the Program Committee refrained from making a decision on the case and, instead, requested the Advisory Committee to submit a definition of "hat-making." By the time of Mr. Krutel's next hearing with the Program Committee (July 19th), the Advisory Committee had not come up with a definition and requested another hearing, this time to draft a definition of "millinery." The Program Committee voted to put over Mr. Krutel's hearing to the following month.

Now that the Advisory Committee's recommendation of criteria for "millinery" had been received and recommended for approval, the Program Committee ascertained that Mr. Krutel's craft fell within the criteria. Commissioner Taliaferro moved that Mr. Krutel's case be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Dennis Klein - Mr. Klein had been cited on December 10 and December 18, 1982, for Street Artist Violations I, II (December 10), and IV Section 2 (December 18). After his failure to appear at scheduled hearings with the Advisory and Program Committees, the Program Committee, on July 19th, voted to recommend that he be found in violation, S.A.V. VII (Failure to Appear at Hearings) and that his certificate be suspended until the entire revocation procedure was completed. Mr. Klein appeared at the Art Commission meeting on August 1st to appeal the recommendation; the Commission voted to send his case back to committee. He subsequently appeared before the Advisory Committee on August 16th. The Advisory Committee found him in violation, S.A.V. II ("pendants in photo not of artist's own creation") and S.A.V. IV Section 2 ("Dennis showed us sweaters that he does not make; however, he embroiders on the sweaters and knits over them ... Committee members feel that a pre-manufactured sweater does overtake the degree of over-stitching used on sweaters ... We feel the commercial sweater dominates his craft.") The Advisory Committee held off a finding on the hats he had been allegedly displaying, pending adoption of the "millinery" criteria.

Mr. Klein admitted to the Program Committee that he had sold hats and sweaters for which he had not been certified.

Commissioner Taliaferro moved that the Advisory Committee's findings be upheld, that Mr. Klein be found in violation, Street Artist Violations II and IV Section 2, that the penalties be suspended, and that any future violation of this type will be considered a second offense; the motion was seconded by Commissioner Goerner and unanimously approved.

Mr. Klein told the Committee that the Advisory Committee's decision "that the item overtakes the design" eliminates the craft of embroidery on

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most functional items. The Committee, he said, had stated that embroidery had to pretty much cover the item. Commissioner Taliaferro responded that one of the problems in the Program was the sale of clothing not made by the artists, as for example, T-shirts with printed designs by the artist. He said that he understood the Advisory Committee's viewpoint that the object itself is the predominant item for sale.

C. Dolores Kalom. Ms. Kalom was not present. Mr. Lazar submitted a letter of August 18th from Ms. Kalom's attorney, Mr. Ephraim Margolin, which stated that he would be out of town on August 23rd and requested that his client's hearing be continued. Mr. Lazar told the Committee that he had spoken with Mr. Margolin who had requested that he ask the Committee if they would insist that he produce his witnesses to testify on behalf of his client or whether they would accept affidavits from them or a summary of their observations. Commissioner Goerner moved that Ms. Kalom's hearing be put over for one month and that the Committee accept affidavits from Mr. Margolin's wirnesses regarding the alleged incident of assault and obstruction of duty of the Art Inspector. After consideration, Commissioner Goerner withdrew his motion.

Commissioner Hanson moved to dismiss the charges against Ms. Kalom of assault and obstruction of duty of the Art Inspector and to continue Ms. Kalom's hearings with respect to her alleged violation concerning her items for sale (Street Artist Violation II); the motion was seconded by Commissioner Goerner and unanimously approved.

VI NEW BUSINESS

A. Request by Applicant David Gamarra for Issuance of Certificate. Mr. Gamarra had presented his wares to the Advisory Committee and had received the Committee's recommendation for certification, but he had failed to obtain a certificate within the allotted ten-office-work-day time limit. Mr. Gamarra told the Program Committee that he had suffered a ruptured hernia and had undergone an operation, and that also he had not been aware of the time limit for obtaining a certificate. He said his craft was brass bracelets and cut-coins.

Commissioner Taliaferro moved that Mr. Gamarra's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Gallery Show for Award-winners. Mr. Lazar reported that he had found out that the Art Commission's gallery would be available next spring for a group show of street artist awardwinners. Commissioner Goerner asked him to reserve a two-week date next spring for the gallery.

C. Mayor's Committee on Sidewalk Vending. Commissioner Taliaferro spoke of the Mayor's recently appointed committee investigating the practices of stores selling merchandise on the sidewalks. Commissioner Taliaferro

Continued.....

moved that a letter be sent to the Mayor and the Mayor's committee on sidewalk vending, offering the Commission's assistance in reviewing this issue and requesting to be included in any discussion concerning street sales in San Francisco; the motion was seconded by Commissioner Goerner and unanimously approved.

D. Non-Profit Status of Organizations Selling in Public Places. Mr. Lazar reported that he had received some complaints from artists concerning the sales activities of unlicensed vendors who claim they have non-profit tax-exempt status which permits them to operate. Mr. Lazar had examined the Board of Equalization papers of one such vendor which claimed tax-exempt status. Mr. Lazar requested authorization to write to the City Attorney for clarification of the meaning of such status as it pertains to an individual's privelege to sell merchandise in street artist areas. Commissioner Goerner moved that the Director of the Street Artists Program be authorized to request clarification from the City Attorney of the meaning of tax-exempt status as it pertains to selling in street artist areas; the motion was seconded by Commissioner Hanson and unanimously approved.

E. Approval of Minutes. Commissioner Goerner moved that the Minutes of the Program Committee's meeting of July 19, 1983 be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

F. Director's Report of Street Inspection. Mr. Lazar reported on his observations of the Program with respect his inspection of the arts and crafts on the street, a duty of his which commenced August 11th. Generally, there has been a greater degree of compliance with the Commission's crafts criteria, with only a few salient cases of alleged violation (several of these have complied immediately after the first warning, the others have shut down their displays whenever the Director has appeared).

The meeting adjourned at 3:42 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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Dianne Feinstein
MAYOR

Claire Isaacs
DIRECTOR

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, September 20, 1983
2:30 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets, San Francisco

A G E N D A

I REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Raman Attou (Khaldi) - applied October 15, 1981; was notified February, 1982 but never received notice; request received by office August 25, 1983.

B. Lorna Koppel - applied July, 1979; was notified February, 1981 but letter was returned to office; request received by office September 6, 1983.

C. Bob Horiuchi - applied (mailed application to office) October, 1981, but office has no record of receipt of application; request received by office September 13, 1983.

II CRAFT VIOLATION HEARINGS

A. Lisa Berkelhammer - alleged violation of Ordinance 41-83, Section 2401(b) "Handcrafted Item" definition; alleged Street Artist Violation (S.A.V. Code) III.

B. Robert Wild - alleged Street Artist Violation IV, Section 2 (second violation).

C. Dolores Kalom - alleged Street Artist Violation II.

III RENEWAL OF TEMPORARY SALES SPACES FOR CHRISTMAS SEASON (PROPOSAL FROM STREET ARTISTS ASSOCIATION)

IV NEW BUSINESS

A. Luz Sinco - applied 9/21/81, was sent notice 1/31/83.

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Dianne Feinstein
MAYOR

Claire Isaacs
DIRECTOR

STREET ARTISTS PROGRAM COMMITTEE

September 20, 1983
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

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Present: Commissioners Taliaferro and Goerner

Chairman Taliaferro called the meeting to order at 2:35 p.m.

Commissioner Goerner moved that the Minutes of the Program Committee's meeting of August 23, 1983 be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

I REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Raman Attou (Khaldi) - applied October 15, 1981; was notified February, 1982, but never received notice; his request for priority was received by the Program office on August 25, 1983. Commissioner Taliaferro moved that Mr. Attou's request be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

B. Lorna Koppel - applied July, 1979; was notified February, 1981, but the letter was returned to the Program office; her request for priority was received by the office on September 6, 1983. Commissioner Taliaferro moved that Ms. Koppel's request be approved; the motion was seconded by Commissioner Goerner and unanimously approved.

C. Bob Horiuchi - maintained he mailed his application to the office in October, 1981; the office, however, has no record of having received the application; Mr. Horiuchi's letter-request for priority, dated September 15, 1983, states that he moved from his original address and has had problems with the mail. Mr. Horiuchi told the Committee that he is seeking certification for "shoji-craft," and that when he had applied he had been told it would take one to two years for a certificate. Commissioner Goerner moved that Mr. Horiuchi's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

II CRAFT VIOLATION HEARINGS

A. Lisa Berkelhammer - Ms. Berkelhammer did not appear. Program

Continued.....

Director Lazar informed the Committee that Ms. Berkelhammer had not appeared at her hearing with the Advisory Committee that morning, and that she had notified the office of her inability to appear due to schooling commitments. The Advisory Committee heard from the artist who had submitted the complaint against Ms. Berkelhammer's display of earrings and beaded necklaces. The Advisory Committee examined two pieces of evidence and concluded: (a) while Ms. Berkelhammer's earrings satisfy the present criteria, the "main object of sale" in the earring "is a manufactured piece of metal"; (b) there is need for an Advisory Committee hearing to review and clarify the criteria for earrings and their components; and (c) no finding could be rendered with respect to the submitted necklace "because there is no adequate proof" that it was not made by the artist.

Commissioner Goerner moved that the complaint against Ms. Berkelhammer's earrings be dismissed, and that the complaint against her necklaces be sustained and heard the following month; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Robert Wild - Mr. Wild did not appear. Mr. Lazar informed the Committee that Mr. Wild had not appeared at his hearing with the Advisory Committee that morning. On August 24, 1983, Mr. Lazar filed a report of alleged violation by Mr. Wild for displaying items which were allegedly not certified and not of the artist's own creation. According to the report, this constituted a second violation, as the Art Commission had resolved on March 7, 1983 that Mr. Wild be found in violation, Street Artist Violation IV, Section 2, that the penalty be suspended, and that any future violation of this type will warrant a one-year suspension. The Advisory Committee had examined the report's photographs of Mr. Wild's display and had concluded that the display of haircomb/barrettes constituted S.A.V. IV, Section 2.

Commissioner Taliaferro noted that the Commission has been lenient with cases involving a first offense and that the Commission issues warnings that penalties are imposed for second offenses.

Mr. Lazar informed the Committee that S.A.V. IV alone, not including Section 2, provides the artist with the option to accept a standard penalty suspension (without hearing) or to request a hearing. He said that Mr. Wild was sent such an option and was requested to return his preference to the office no later than September 19, otherwise the standard penalty suspension of six weeks would automatically be imposed. The office had not received his notification. Mr. Wild would be suspended for six weeks commencing September 21st. What was presently before the Program Committee was alleged violation Section 2, second violation.

Commissioner Goerner moved that Mr. Wild be found in violation, Section 2 of Street Artist Violation IV, second violation, and that his certificate be suspended for a period of one year, commencing after termination of the standard penalty suspension for S.A.V. IV; the motion was seconded by Commissioner Taliaferro and unanimously approved. The Commissioners re-

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quested that Mr. Wild be notified of the Program Committee's recommendation, the date of its submittal to and consideration by the Art Commission, and the artist's right to hearing before the full Commission.

C. Dolores Kalom - Ms. Kalom appeared with her attorney, Ms. Sandra Coliver. Mr. Lazar reported the Advisory Committee's findings with respect to Ms. Kalom's alleged Street Artist Violation II: according to the Advisory Committee's minutes, Ms. Kalom's work "overall ... is beautiful - far surpasses most work on the street. We find the photo not clear enough to determine all of the necklaces. There is one necklace we can see that is in violation - the white shell bird-pendant violates S.A.V. II pendant criteria. " The Advisory Committee had further observed that some of Ms. Kalom's necklaces (shown to the Committee) "do not meet criteria in the sense that some of her necklaces appear to be strung the same as purchased." The Advisory Committee had cited a coral necklace as being strung as purchased and an abalone bird pendant as not meeting the pendant criteria. Mr. Lazar reported that the Advisory Committee had not been in agreement as to whether the few examples in question represented a violation of her work since the work itself was considered of the highest calibre.

Ms. Kalom presented samples of her work to the Program Committee.

Commissioner Taliaferro, citing the Advisory Committee's findings of overall excellence of work and the members' division of thought with respect to two or three of Ms. Kalom's items, moved that the charge of Street Artist Violation II against Ms. Kalom be dismissed and that in the future, if Ms. Kalom has a question on the legality of an item, Ms. Kalom submit the item to the Advisory Committee; the motion was seconded by Commissioner Goerner and unanimously approved.

Commissioner Goerner referred to a September 20, 1983 letter-communication from Attorney Margolin and questioned Mr. Lazar about the third point raised by Mr. Margolin, that Ms. Kalom never received a Notice of Alleged Violation of Certification since the August 1, 1982 incident and that she had been first notified of the charge of Violation II when she received notification of hearing seven months after the incident. Mr. Lazar stated that the August 1, 1982 incident involved an alleged violation of assault and obstruction of duty of the Art Inspector, that he had written for City Attorney clarification on whether the Art Commission had the authority to suspend or revoke for reasons of assault and obstruction of duty, and that he had been advised by the City Attorney's Office to hold the case on file until such clarification was received. The City Attorney's clarification was written six months later, February 1, 1983; and Ms. Kalom was notified for hearing in March. Commissioner Goerner said that there was merit in Mr. Margolin's charge that such delay deprived Ms. Kalom of due process rights.

III RENEWAL OF TEMPORARY SALES SPACES FOR CHRISTMAS SEASON (PROPOSAL FROM STREET ARTISTS ASSOCIATION)

Continued.....

Ms. Linda Stark of the Street Artists Association presented maps of the temporary sales spaces which had been approved for the previous Christmas season. She told the Program Committee that many of the spaces had been economically viable. She said that if the Committee would approve, in principle, the concept of renewal of the spaces, her organization would be able to meet with Mr. Lazar and with Mr. Pflueger of the Downtown Association; if the Downtown Association approves of the proposal, it could be submitted to the Board of Supervisors by November.

Mr. Lloyd Pflueger, General Manager of the Downtown Association, told the Committee that the spaces last Christmas worked out well, but his organization was recommending deletion of the three spaces on Post Street, north side, Stockton to Grant, as it is a narrow, busy street. His Association favored Ms. Stark's proposal for spaces on Stockton between Geary and O'Farrell (the back side of Neiman-Marcus). He added that his organization would agree to other spaces that could be legally created. He said that the BART exit at the foot of Montgomery and Post could yield additional spaces: there is no need to maintain a five-foot distance between spaces around the BART wall; instead of the five-foot requirement, two feet could be maintained and this would provide for four or five additional spaces. The ordinance would have to be amended. He said that his Association agreed in principle to the renewal of the temporary spaces, minus the three on Post Street.

Ms. Robin Schutte of Elizabeth Arden Salon and President of Post Street Promenade told the Committee that the block of Post Street between Grant and Stockton is very narrow, there is a flower merchant in front of Gumps, and traffic congestion last Christmas was the biggest problem. She said that, in the last week before Christmas, there were six to seven street artist tables when only three spaces had been approved.

Mr. William Goulet of Gumps told the Committee that he did not object to street artists. He pointed out two concerns of his store: (1) having a flower stand in front of Gumps; and (2) street artists creating an obstruction to the flow of traffic in front of the Gumps windows. He said that it has been a San Francisco tradition for people to see these windows, the crowds that gather in front of them are very congested, and the presence of street artists would visually break the progression of window-to-window story-telling aspect.

Commissioner Taliaferro moved that the concept of renewal of the temporary sales spaces downtown for Christmas be approved, with the proviso that the three spaces proposed for Post Street, north side, Stockton to Grant, be deleted, and that the location of the spaces be reviewed and agreed upon by the Street Artists Association, the Downtown Association, and the Street Artists Program staff; the motion was seconded by Commissioner Goerner and unanimously approved.

Ms. Stark said that the number of spaces would stay consistent with the number provided for last year, as six of the spaces which were not viable could be deleted and replaced by the creation of additional ones on

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Stockton at O'Farrell and new ones around the BART exit on Montgomery and Post. She said that the first two weeks of December are usually slow, and her association would like to talk with Mr. Averbuch of The Market Street Project to set up a fair in United Nations Plaza to promote the Christmas season.

NEW BUSINESS

Commissioner Goerner commented that several street artists came to the Program Committee to report on money collection at the lotteries to pay for the services of Attorney Margolin for his alleged part in the re-designation of spaces on Stockton Street. The Commissioner said that his Committee had not been aware of any involvement of Mr. Margolin in this matter; he asked Ms. Stark for clarification on this.

Ms. Stark said that the Street Artists Association is non-profit and collects funds to cover legal expenses. She said that what Mr. Margolin did, primarily, was to negotiate with the Art Commission last spring with regard to the Commission's proposal to relinquish its role in the Street Artists Program, and also Mr. Margolin had been involved with trying to negotiate the re-designation of the Stockton Street spaces long before the Art Commission got involved in the matter.

Commissioner Goerner stated that both Commissioner Taliaferro and he - as well as the consensus of the Art Commission - felt it was not proper to collect funds during the lottery time. Commissioner Taliaferro stated that many artists feel they cannot obtain a space without giving a donation.

Ms. Stark replied that the collection was not done during the lottery but afterward at the sign-in, and that, since then, they have agreed to do it after people have set up.

Commissioner Goerner asked that, in the future, the Street Artists Program Committee and the Commission be aware of the Association's efforts so that there could be coordination of effort on key matters.

Request by Applicant Luz Simco for Priority in Issuance of Certificate - (this request had come to office after agenda for meeting had been mailed) Ms. Simco had applied September 23, 1981, and was sent notice in January, 1983; the notice was returned to the office. Commissioner Goerner moved that Ms. Simco's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

Commissioner Goerner suggested that the Program consider sending its mail registered. Commissioner Taliaferro said it would be proper to do so as legally as possible, and that this expense could be covered by the certificate fee increase.

Request for Disabled Veteran Exemption in Obtaining Certificate - Mr. Lazar reported that he had received a request from a disabled veteran for priority

Continued.....

above the waiting list in the issuance of a certificate. Mr. Lazar had checked with the City Attorney on whether the Art Commission could grant such an exemption; he presented copies of the City Attorney's letter-response, to the Commissioners: under existing street artist law, the Art Commission could not grant such exemption; amending language would be needed for enactment by the Board of Supervisors. According to the letter, "... Because of the strong public policy embodied in state, federal and local laws with respect to veterans' preference, we have concluded that such legislation may be enacted by the Board of Supervisors and would not be in conflict with the provisions of the street artists initiative ordinance ..." In other words, such legislation would not have to go to the ballot. Mr. Lazar asked that the Program Committee hold a hearing on this issue. Commissioner Taliaferro directed him to place it on the following month's agenda.

Amendments to Lottery Regulations - Ms. Stark informed the Committee that 75 out of 150 artists at a recent lottery submitted to a survey regarding changes they would like to see in lottery procedures. She said that at a Lottery Committee meeting Mr. Lazar had asked the Committee to compile all recent amendments to lottery rules voted on at the lotteries and to submit this list to the Street Artists Program Committee. Ms. Stark said that she would try to compile it in time for the Program Committee's next meeting.

Commissioner Goerner moved that a hearing be held on amendments to lottery regulations at the next meeting of the Program Committee; the motion was seconded by Commissioner Taliaferro and unanimously approved.

The meeting adjourned at 3:37 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco

Art Commission

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, October 25, 1983
2:00 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco

A G E N D A

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Ira S. Kessey - Certificate #2804 expired July 6, 1983; Mr. Kessey's request for priority received by office September 27, 1983.

II REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Modupe Olufunni - applied October 7, 1983; letter from applicant states previous application in 1978.

III CRAFT VIOLATION HEARINGS

A. Lisa Berkelhammer - letter received by office on Sept. 23rd withdrawing complaint against Ms. Berkelhammer

B. Phil Lawrence (Philip Curatola) - Street Artist Violation IV, Section 2 (alleged display of cassette tapes)

IV HEARING ON VETERAN EXEMPTION IN OBTAINING CERTIFICATION

V HEARING ON CERTIFICATION OF THE SALE OF CASSETTE TAPES

VI HEARING ON AMENDMENTS TO LOTTERY RULES

VII ADVISORY COMMITTEE FINDINGS (OCTOBER 18 HEARING) RE: CRITERIA FOR EARRINGS (BEADSTRINGING)

VIII NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

October 25, 1983
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco

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M I N U T E S

Present: Commissioners Taliaferro and Hanson

Chairman Taliaferro called the meeting to order at 2:07 p.m.

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Ira S. Kessey. Mr. Kessey did not appear. No action was taken.

II REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Modupe Olufunni. Ms. Olufunni told the Committee that she had applied for a certificate in October, 1978, and had been out of the country when she was notified for review. She said the notice had been received by her brother who had then called her. She further stated that Mr. Thomas (the Assistant Director of the Street Artists Program) had said that she could be screened when she got back in town.

Program Director Lazar stated that he had checked the waiting lists of applicants from 1976 to the present, as well as the lists of persons notified, and had found no record of her name.

Commissioner Taliaferro stated that Mr. Thomas had left the Program over a year ago. The Commissioner moved that Ms. Olufunni's request for priority be disapproved; the motion was seconded by Commissioner Hanson and unanimously approved.

Ms. Olufunni said she would appeal to the full Commission.

III CRAFT VIOLATION REVIEWS

A. Lisa Berkelhammer (charged with alleged Street Artist Violation III). Ms. Berkelhammer appeared. Commissioner Taliaferro acknowledged that the private complaint against Ms. Berkelhammer had been withdrawn. The Commissioner moved that the charge against Ms. Berkelhammer be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

Continued.....

B. Phil Lawrence (Philip Curatola) (charged with alleged Street Artist Violation IV, Section 2). Mr. Lawrence appeared with his attorney, Mr. Alan Hoffman.

Commissioner Taliaferro reported on the recently received City Attorney opinion regarding "Certification of the Sale of Cassette Tapes Under the Street Artists Program." The Commissioner said he disagreed with the opinion, but that he would recommend that the Advisory Committee create the new category and that Mr. Lawrence be certified under it. The Commissioner further made the following points:

1) The Art Commission had always considered its Street Artists Program as a visual arts program, not a performing arts program; the City Attorney will have to be questioned on whether the street artists law is to be so broadened as to include the licensing of performers.

2) The City Attorney should be requested to answer specifically the question of whether the Street Artists Program is supposed to certify for the performing arts, including movies.

3) The inclusion of movies and other performing arts will bring about a total revision of the street artist sales spaces; the Commission will have to request the Board of Supervisors for additional spaces.

4) How will the Commission regulate its space-assignment lotteries? Will there be one lottery for performing artists and another for visual artists?

5) Should the street artists law be changed to reflect more specifically what the people had in mind when they approved it?

6) Before Mr. Lawrence may be certified for cassette tapes, the Advisory Committee will have to create a category for audio cassettes with imposed limits on their sale. If a certificateholder is permitted to sell all the tapes he can process, then the rules governing sale limits on other crafts will have to be revised.

Commissioner Hanson said that she had been out of the country and had only very recently been able to look at the City Attorney's opinion. She said that the points raised in the opinion were of such significance as to warrant the City Attorney's reconsideration of the whole issue. She responded to the "Proposed Guidelines for Administering Certification and Sale of Cassette Music Production" set forth in Mr. Hoffman's letter of October 21, 1983, to the Program Committee:

1) In reference to Commissioner Alley's volunteering of his expertise to the Advisory Committee, Commissioner Hanson said that Mr. Alley was not a permanent Art Commissioner, and that there would have to be a provision for obtaining and funding the necessary expertise in creating the new certification category.

Continued.....

2) In reference to Mr. Hoffman's position that "Mr. Lawrence's work would fit within the definition of family unit," Commissioner Hanson said that she did not believe "family unit" was meant to apply to a situation in which an artist contracted with others for their artistic services.

3) Much has been left unsettled by the City Attorney's opinion.

Mr. Hoffman told the Committee that Commissioner Alley had volunteered to provide the expertise which the Advisory Committee had asked for in their letter of October 6, 1982. The Commissioner had volunteered subject to President Swig's permission which had been given.

Commissioner Taliaferro said that if the City Attorney were to assert that his interpretation of the street artists law was so broadened as to include performing artists, the composition of the Advisory Committee would have to be reconsidered so that a member would be a performing artist.

Mr. Hoffman said that his client's art work was not a performance but an item on which a performance was recorded; he felt that the City Attorney would make this same distinction.

Commissioner Taliaferro maintained that the tape and the plastic of the cassette were not of Mr. Lawrence's creation, and that what was being offered for sale was the performance.

Mr. Hoffman requested that it be stated for the record that there was a fundamental disagreement here. He stated that it was the total production which his client was selling: he had produced his performance in a studio, and it was now a tangible item which could sit on a table. With regard to the concern over the sale of movies, Mr. Hoffman said he believed that on a practical matter such producers would not be interested in selling in the Street Artists Program. He said that this would open the Program to independent videocassettes; and if this were to open the door for the designation of more sales spaces, the Art Commission would be very popular.

Commissioner Taliaferro responded that this step did not mean that the Board of Supervisors would necessarily provide more spaces. It did mean that there would be a "crunch" on the existing spaces.

Mr. Hoffman made the following points:

1) In limiting the number of cassettes his client could sell, the Advisory Committee would have to consider the characterisitics that distinguish this art form from prints. The expert on the Advisory Committee - or Commissioner Alley - would be knowledgeable in the expenses inherent in the art, and this person should be the one to determine the number of multiples.

Continued.....

2) Program Director Lazar (responding to Mr. Hoffman's query in advance of the meeting) had said that two of the three members had agreed to adopt the City Attorney's opinion; based on this, Mr. Hoffman did not bring in his art scholar witnesses. He asked the Commission to stick to that assurance.

3) The City Attorney's opinion stated that "family unit" pertained to a musician accompanied by other musicians.

Commissioner Taliaferro said there were only two members on the Program Committee now. Commissioner Goerner had resigned.

Commissioner Hanson recommended that the opinion be sent back to the City Attorney, with the questions raised by the Program Committee, for further analysis. The questions would include whether performing artists would come under the street artists law which she felt had been written with respect to visual artists ... What specifically would be the Art Commission's new responsibilities? ... What funding would be implied by those responsibilities? ... Can the law be broadly interpreted to include other manifestations of performing arts - slides, movies, other documentation or performing arts?

Mr. Hoffman said that the questions raised did not pertain to the question answered by the opinion, and that there was nothing further for the City Attorney or the Program Committee to consider. He submitted into evidence a petition of 86 street artist signatures in support of Mr. Lawrence. He submitted a copy of a letter from a purchaser of his client's art, who appreciated it. He also submitted a copy of the copyright held by his client for a work of art which was a tangible item.

Commissioner Taliaferro moved that the issue be put over for another thirty days during which time (a) the Committee's questions be submitted to the City Attorney, and (b) a special meeting of the Street Artists Program Committee be held with the Advisory Committee, the City Attorney, and all other interested parties, with respect to the nature of the Street Artists Program; the motion was seconded by Commissioner Hanson and unanimously approved.

The meeting was scheduled for Tuesday, November 15th, at 2:00 p.m. Commissioner Taliaferro said that the 86 artists in support of Mr. Lawrence were invited to attend, as well as the art scholars whom Mr. Hoffman was prepared to present.

Mr. Hoffman stated that he wanted the record to show he was requesting an appeal of this particular disposition of the issue, before the Art Commission.

Commissioner Taliaferro moved that the charge against Mr. Lawrence be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

Continued .....

IV HEARING ON VETERAN EXEMPTION IN OBTAINING CERTIFICATION

Mr. Lazar informed the Committee that he had, for the second time, notified the two individuals who had requested the Street Artists Program and the City Attorney's office for veteran exemption priority above the waiting list of applicants. They were not present. Street Artist Michael Rogers read a passage from California law which provides for veteran exemptions.

Commissioner Taliaferro moved to put over hearing the issue to the regular meeting of the Program Committee in November; the motion was seconded by Commissioner Hanson and unanimously approved.

V HEARING ON AMENDMENTS TO LOTTERY RULES

The Committee was informed by Mr. Lazar that the proposed temporary sales spaces downtown for the Christmas season met with the approval of the Downtown Association and will be submitted to the Board of Supervisors in the following week. Mr. Lazar had met with the Lottery Committee to draft a procedure, for a trial period, which would enforce the lottery rules and help maintain peace in the spaces during the Christmas season.

Ms. Linda Stark, President of the Street Artists Association and member of the Lottery Committee, submitted the lottery proposal to the Program Committee. She said that the reason for the proposal had not been put to a vote of the artists because the Committee was attempting to implement a rule already in existence: any artist who obtains a space cannot give it away. Since this was the original intent of the lottery system, the submitted proposal set forth a procedure for enforcing the rule. There would be penalties (after hearings by the Lottery and Program Committees) given to anyone who does not use a space they selected, with the exception of those persons who notify a lottery member that they wish to relinquish the space, or in the instance of a mistake or misunderstanding. The procedure was aimed at deterring "chronic abusers" of the lottery system.

Street Artist Michael Rogers raised three objections:

1) He maintained that, according to the lottery rules, all lottery guidelines have to be submitted for a vote by the artists in a lottery.

2) The Lottery Committee must remain non-political, according to the rules, unless a petition of twenty-five valid street artists requests the Committee to initiate political activity.

3) It was a special interest group who had formulated this proposal; Mr. Rogers had no objection to "cleaning up the street" so long as all the laws were enforced.

Continued.....

Mr. Lazar clarified that it was not the Lottery Committee who had initiated the proposal; it was he who had asked the Lottery Committee to work on it for presentation to the Program Committee, in the interest of maintaining peace and order on the streets this Christmas and as a good faith gesture to the Downtown Association who had given their endorsement of the spaces.

Street Artist William Clark made the following points:

1) He suggested that the rule requiring an artist to have his lottery slip at all times while occupying a space be changed to require that the slip be attached to the display once it is placed in a space.

2) According to Section 2410 of the street artists ordinance, a person "shall be guilty of an infraction and subject to a fine" for violating any of the street artist rules or regulations. Therefore, in the instance of a lottery violation, it is not within the duty or jurisdiction of the Art Commission to suspend a certificate. Rather, it is the duty of the Commission, through its lottery, to call the Police to handle the problem. No one, Mr. Clark said, has thus far done this.

Street Artist Eunice Rodriguez said that a group of people have tried to control and run the Street Artists Program, and that artists are not checked by the lottery for their State Sellers Permits (required by law for participation in the lotteries).

Street Artist William Kaufman told the Program Committee that the practice of giving a space to another artist has made it possible for him to use his wife's space while she has to be home with their child, and vice versa.

Street Artist Vicky Carp stated that the proposal was not from a select group but from the Lottery Committee who are elected by the artists themselves.

Lottery Member Jill Schlesinger said it was her duty to help the lottery run smoothly, that the giving away of spaces was a very clear abuse of the intent of the regulations, and that the penalties should be enforced on those who sign up for a space and give it away rather than on those who are given the spaces.

Ms. Stark said it has gotten to the point where many people have lost faith in their lottery unless they are able to bring other people to the lottery to obtain spaces for them.

Street Artist Robert Clark said that Lottery Members are elected solely to run the lottery, and that enforcement should be on the

Continued.....

person who was given a space, because it could be readily seen that he would have no slip for it. He also said that Lottery Members were giving away spaces and breaking other rules.

Commissioner Taliaferro commended those artists who had spent their time to let the Art Commission know, at its request, what the flagrant problems were. He advised Mr. Lazar to send out a memorandum to the Police and the merchants, calling their attention to these problems, and assuring them that the Art Commission will take steps to enforce the rules. He added that the Commission would be guided by the recommendations of the proposal in implementing, to the best of its ability, the law.

Commissioner Taliaferro moved that Program Director Lazar use the Lottery Committee proposal to develop procedures for enforcing lottery violations; the motion was seconded by Commissioner Hanson and unanimously approved.

VI ADVISORY COMMITTEE FINDINGS RE: CRITERIA FOR BEADSTRINGING EARRINGS

Mr. Lazar reported that the Advisory Committee had come up with new criteria for beadstringing earrings but had lacked a quorum; a vote will be taken at their meeting on the following month.

VII NEW BUSINESS

Commissioner Taliaferro said that the Street Artists Program was generally considered to be one of the most dynamic programs of the Art Commission. He expressed deep regret over the resignation of Commissioner Fred Goerner and stated that the Commissioner was one of the very best to have served on the Street Artists Program Committee.

*

Commissioner Taliaferro invited artists to call the Program office if they see violations of the Street Artist Violation Code. If there are problems of a more physical nature, he said, the Police should be called. Street Artist William Clark asked if the Art Commission would forward a street artist complaint to the District Attorney, if so requested. Commissioner Taliaferro said that the Commission would.

Street Artist Eunice Rodriguez asked that the Commission check all street artists for the validity of their California Seller's Permits.

The meeting adjourned at 4:31 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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MAYOR

Claire N. Isaacs
DIRECTOR

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Ray Taliaferro

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Commission

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, November 22, 1983 - 2:00 p.m.
Public Library - Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco

A G E N D A

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Carolyn Dale - Certificate #2886 expired 9/17/83; her request for priority received by office 10/20/83; hearing re-scheduled from 10/25/83.

II HEARINGS ON ALLEGED CRAFT VIOLATIONS

A. John Beard - alleged violation Section 2 (of S.A.V. IV): alleged display of belts.

B. Toney Burkhart - alleged violation Section 2 (of S.A.V. IV): alleged display of metal pendants.

III HEARING ON PROVISION FOR VETERAN'S EXEMPTION IN OBTAINING CERTIFICATION

IV RECOMMENDATIONS FROM ADVISORY COMMITTEE RE: EARRINGS CRITERIA (BEADSTRINGING) AND CLOISONNE PENDANTS

V NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

November 22, 1983
Main Library - Commission Room
Larkin & McAllister Streets
San Francisco, California

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Present: Commissioner Hanson

Commissioner Hanson called the meeting to order at 2:05 p.m. The Commissioner stated that, in the absence of a quorum, the Program Committee would be able to hear testimony but could not vote on any issue. Commissioner Hanson would submit the items to the full Art Commission at its next meeting, for a separate vote on each item. (The items are listed at the end of these Minutes.)

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Carolyn Dale (Certificate #2886 had expired September 17, 1983; her request for priority had been received by the Program office on October 20, 1983.) Ms. Dale told Commissioner Hanson that she had not had her certificate with her at the time she had been in Portland with her sister who had been undergoing chemotherapy. She had not been aware of the certificate's expiration date. Commissioner Hanson said she would ask the Commission to approve Ms. Dale's request.

II HEARINGS ON ALLEGED VIOLATIONS

A. John Beard (alleged violation Section 2 of S.A.V. IV; alleged display of belts) Mr. Beard told Commissioner Hanson that at his hearing with the Advisory Committee, the Committee had not wanted to examine his items. He added that he thought the belts were covered under his certified category of fabricated jewelry.

Advisoey Committee Member Sandra Rott explained that Mr. Beard had been screened on September 27, 1983 and approved for fabricated jewelry and, at the time, had sought approval for belts. Because of his insufficient amount of examples, Mr. Beard had been told to arrange for a screening of his belts at a future time. At his violation hearing, Mr. Beard, she said, stated he had not been clear that he had to have his belts screened separately.

Program Director Lazar told Commissioner Hanson that the Advisory

Continued.....

Committee had not made a finding as to whether the belts were made by Mr. Beard and therefore no finding was submitted for consideration by the Program Committee.

Commissioner Hanson said the case should go back to the Advisory Committee.

B. Toney Burkhart (alleged violation Section 2 of S.A.V. IV; alleged display of metal pendants) Mr. Burkhart stated that he thought his present suspension which he had accepted as a standard penalty for S.A.V. IV covered the entire violation and that he could now get his item screened and certified.

Mr. Lazar stated that the standard penalty accepted by Mr. Burkhart was only for the first part of the violation (S.A.V. IV), and that Mr. Burkhart had been informed on the very standard penalty form which he had signed, that Section 2 of the violation would be heard mandatorily by the Art Commission and its committees. Mr. Lazar further stated that the Advisory Committee had not made a finding as to whether Mr. Burkhart made the items for which he had been cited.

Advisory Committee Member Sandra Rott stated that her Committee had said it was questionable as to whether he made the items because he showed only one example.

Commissioner Hanson said the case should go back to the Advisory Committee as part of the procedure.

III HEARING ON PROVISION FOR VETERAN'S EXEMPTION IN OBTAINING CERTIFICATION

Mr. Lazar stated that he had invited the veteran who had submitted the request for exemption, to attend, but he was not present. Street Artist Eunice Rodriguez said that people who fought for their country have the right to have a little more eligibility to make a living. Street Artist Al Gamarra supported this view. As no clear proposal had been submitted, the issue would be taken up at a later date.

IV RECOMMENDATIONS FROM ADVISORY COMMITTEE RE: EARRINGS CRITERIA (BEADSTRINGING) AND CLOISONNE-TYPE PENDANTS

Mr. Lazar reported on the new criteria voted on by the Advisory Committee at its meeting of November 15th and said he recommended a 90-day delay in implementation of the criteria.

Advisory Committee Members Sandra Rott and Mathew Porkola spoke of their hearing on considering the elimination of commercially-manufactured cloisonne-type pendants from the Program, due to reported radioctivity in the glazes of the pendants. Mr. Porkola said he spoke with personnel of the radiology lab in Berkeley who said their figures on the radioactivity

Continued.....

in the pendants were very low; Mr. Porkola said this differed from the NRC's position. Ms. Rott said that the issue was not settled. Mr. Porkola said that his Committee had been divided on whether to recommend a moratorium on the pendants. The Committee members requested more time to explore the issue.

V NEW BUSINESS

Requests by Former Certificate-Holders. Program Director Lazar reported on his office's receipt of requests by two former certificate-holders - Ray Storch and Iris Settles - for priority in issuance of certification. Mr. Storch's certificate #2689 had expired October 13, 1983, and Ms. Settles' certificate #2845 had expired September 7, 1983. Both had requested Mr. Lazar to submit their requests to the Program Committee as they had stated an inability to appear. Mr. Lazar told Commissioner Hanson that the requests for priority had been submitted within the three-month period allotted by the Commission.

Cliff House Lottery. Mr. Lazar submitted a letter-request by a street artist for a more equitable lottery distribution of the three spaces at Point Lobos, in front of the Cliff House. The letter alleged that all members of family units were entering the lottery and competing with single artists which, by odds, was unfair. Mr. Lazar said he would investigate the Cliff House Lottery procedure, speak to the people who use the spaces, and report with recommendations at a later date to the Program Committee. Commissioner Hanson said further discussion would follow when the recommendations are submitted.

Amendment to Minutes. Commissioner Hanson said she would ask the Art Commission to amend the Program Committee's Minutes of October 25, 1983, page 2, last paragraph.

Lottery-Occupancy Rule. Street Artist Eunice Rodriguez stated that if the Commission were to enforce the lottery's occupancy rule for the downtown spaces, it would not be fair, as the rule has not been enforced at the Wharf, and also lottery members have been allowed to trade their days of running the lottery.

The meeting adjourned at 3:09 p.m.

SUMMARY

The following items are to be submitted for a vote by the Art Commission at its next meeting:

1) Requests by former certificate-holders for priority in issuance of certificate: Carolyn Dale, Ray Storch, Iris Settles.

2) Criteria recommended by the Advisory Committee for "Earrings (Beadstringing)" to be implemented 90 days after Commission

continued.....

resolution:

"A commercially manufactured pendant may be permissible in an earring when the pendant has been determined by the Advisory Committee to be an integral element of, and/or subordinate to, the total design of the earring."

3) Amendment to Street Artists Program Committee Minutes of October 25, 1983; page 2, last paragraph, to be amended in reference to Commissioner Alley.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco — Arts Commission

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

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Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

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Commission

STREET ARTISTS PROGRAM COMMITTEE

Monday, December 19, 1983 - 2:30 p.m.

Main Library, Lurie Room (1st floor)
Larkin and McAllister Streets
San Francisco, California

A G E N D A

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Joe Russo - Certificate # 277 expired October 1, 1983; Mr. Russo's request for priority received by office December 1, 1983.

B. Jane Thompson - Certificate # 2640 expired October 30, 1983; request for priority received by office December 6, 1983; Ms. Thompson requests also extension of time to renew by mail.

C. Wang Leong Tong - Certificate # 2607 expired November 27, 1983; request for priority telephoned to office December 12, 1983.

II REQUEST BY APPLICANT FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Susan Costa - applied May 9, 1983; listed as "wife" on husband Paul Costa's application of January 20, 1982, sharing in the creation of items.

III REQUEST BY STAFF FOR DELETION OF STANDARD PENALTY PROVISION FOR STREET ARTIST VIOLATION IV, STREET ARTIST VIOLATION CODE

IV NEW BUSINESS

* * *

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City and County of San Francisco — Arts Commission

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STREET ARTISTS PROGRAM COMMITTEE

December 19, 1983
Main Library - Lurie Room
Larkin and McAllister Streets
San Francisco, California

M I N U T E S

Present: Commissioner Taliaferro

Commissioner Taliaferro called the meeting to order at 2:40 p.m. and stated that, in the absence of a quorum, he would hear but not act upon the agenda's business and would submit any business requiring action to the full Art Commission at its next meeting.

I REQUEST BY APPLICANT SUSAN COSTA FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Susan Costa applied for a street artist certificate on May 9, 1983. She appeared with her husband Paul Costa. Program Director Lazar explained that, previously, the Costas had requested priority for Mrs. Costa at the time her husband's name had come up for certification. Mr. Costa, who had applied January 20, 1982, had stated that he had thought his application had been for both his wife and himself, and that he had not understood that Mrs. Costa's name had had to appear on it. Their request, nevertheless, had been disapproved (Art Commission Resolution #1983-696, Sept. 7, 1983). Mr. Lazar stated that recently he had occasion to examine Mr. Costa's file and had observed that the application stated that the items for which Mr. Costa sought certification were "handmade by me and my wife." Mr. Lazar said that, while Mrs. Costa's name was not stated, the mention of "wife" appeared evident that it was meant to have included her. Mr. Lazar had asked the Costas to bring to the Committee verification of their marriage at the time of Mr. Costa's application.

Mr. Lazar submitted a copy of Mr. Costa's application. The Costas submitted their marriage certificate which was dated December 27, 1973, Reno, Nevada.

Commissioner Taliaferro said that he would recommend, at the Art Commission meeting, that Resolution #1983-696 be rescinded and that Mrs. Costa's request for priority in issuance of certificate be approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Continued.....

A. Joe Russo - Certificate #277 had expired October 1, 1983. Mr. Lazar submitted Mr. Russo's request for priority (received by the office on December 1st) which stated that the artist had been unable to renew because of the death of his mother and because he had been with her and their family in Connecticut.

Commissioner Taliaferro said he would recommend to the Art Commission that Mr. Russo's request for priority be approved.

B. Wang Leong Tong - Certificate #2607 had expired November 27, 1983; Mr. Tong had called the office on December 12th to request priority and had subsequently sent a letter stating that he had mistaken the certificate's expiration date of November 27th for "December 27" and had left his certificate home while he travelled the country. Mr. Tong explained this to Commissioner Taliaferro who said he would recommend that Mr. Tong's request for priority be approved.

C. Jane Thompson - Certificate #2640 had expired October 30, 1983; her request for priority had been received on December 6th. Mr. Lazar told Commissioner Taliaferro that it had been time for Ms. Thompson to renew in person, after having renewed by mail for two consecutive renewals, and she had been unable to come to San Francisco due to financial difficulties. With her request for priority, Ms. Thompson was also requesting an extension of time to renew by mail - six months to a year - "as it is financially impossible to return to San Francisco at this time."

Commissioner Taliaferro stated that he would recommend to the Commission that Ms. Thompson's request for priority be approved and that a six-month extension for renewal by mail be granted to her.

III REQUEST BY STAFF FOR DELETION OF STANDARD PENALTY PROVISION FROM STREET ARTIST VIOLATION IV (STREET ARTIST VIOLATION CODE)

Mr. Lazar informed Commissioner Taliaferro that for artists who commit relatively "minor" offenses as failing to display the certificate, the standard penalty provision of the Art Commission's Violation Code is a practical means of serving a suspension penalty, similar to "paying a ticket" rather than having to go through a hearing procedure. However, the standard penalty as applied to the Code's Violation No. IV has, through the years, created confusion among artists and Art Commissioners alike. It has repeatedly been misunderstood that if an artist accepts the standard penalty for No. IV, he will not be subject to any further penalties related to IV. Most No. IV cases, however, require mandatory hearings because part of the violation invariably includes the offense of displaying wares allegedly not made by the artist, and for this the artist is subject to additional penalties.

Commissioner Taliaferro said he would recommend to the Art Commission that the standard penalty provision for S.A.V. IV be deleted from the Code.

Continued.....

IV NEW BUSINESS

A. Modupe Olufunni. (On November 7, 1983, the Art Commission resolved to disapprove applicant Modupe Olufunni's request for priority, above the waiting list, in issuance of certificate.) Mr. Lazar informed Commissioner Taliaferro that he had recently discussed the matter with the former Assistant Director of the Street Artists Program, Mr. Hari Thomas, who met Ms. Olufunni and told Mr. Lazar that he remembered speaking to her in the fall of 1980, shortly after the Art Commission had relocated its office at the War Memorial. Mr. Thomas told Mr. Lazar that he felt Ms. Olufunni had applied at that time, and that it was very possible that in the midst of unpacking and setting up the office, he had erred in not listing her name on the waiting list.

Commissioner Taliaferro said he would recommend that the Art Commission rescind its earlier resolution (#1983-748) and approve Ms. Olufunni's request for priority in issuance of certificate.

B. Items for January Agenda. Commissioner Taliaferro asked Mr. Lazar to place the following items on the agenda of the Street Artists Program Committee meeting for January, 1984:

1. Hearings on Alleged Violations;

2. Discussion of the Issue of Certifying Cassette Tapes;

3. Hearing on the Issue of Granting Priority Certification to Veterans.

The meeting adjourned at 3:20 p.m.

SUMMARY OF ITEMS FOR ART COMMISSION CONSIDERATION:

1. Requests by applicants for priority in issuance of certificate - Susan Costa (and rescission of Res.#1983-696); Modupe Olufunni (and rescission of Res. #1983-748).

2. Requests by former certificate-holders for priority in issuance of certificate - Joe Russo; Wang Leong Tong; Jane Thompson (with six-month extension for renewals by mail).

3. Deletion of standard penalty provision from Street Artist Violation IV (Street Artist Violation Code).

Respectfully submitted:

Howard Lazar

Howard Lazar

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DIRECTOR

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, January 24, 1984
2:00 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco

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A G E N D A

I HEARINGS ON ALLEGED VIOLATIONS

Certificate-holder	Alleged Violation
A. John Beard	Section 2 (of S.A.V. IV) - Belt items of various materials
B. Toney Burkhart	Section 2 (of S.A.V. IV) - Metal pendant items
C. Richard Webster	S.A.V. IV, Section 2 (second violation) - Cloisonne-type haircombs; fabric belts with cloisonne-type pendant/buckles
D. Stephen Wood	S.A.V. III - Ceramic items
E. Mitchell Paradise	S.A.V. II (second violation) - Cloisonne-type and jade-type pendants
F. Terry Harms	S.A.V. I; IV, Section 2 - Beaded necklaces; metal pendant-style earrings and pendants on chains; metal animalfigure pins

II HEARING ON VETERAN'S EXEMPTION/PRIORITY IN CERTIFICATION

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Herman Berlandt - Certificate #2374 expired December 1, 1983; his request by telephone received January 4, 1984.

B. Mary Jocelyn Dacorro - Certificate #2257 expired January 3, 1983; her letter-request received January 4, 1984.

C. M. Alexandra Andrews - Certificate #1814 expired November 27, 1982; her letter-request received January 6, 1984.

IV NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

January 24, 1984
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

M I N U T E S

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Peter Rodriguez
Ray Taliaferro

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Present: Commissioners Taliaferro and Hanson

Chairman Taliaferro called the meeting to order at 2:10 p.m.

I HEARINGS ON ALLEGED VIOLATIONS

A. John Beard. Mr. Beard was not present. Program Director Lazar informed the Committee that Mr. Beard had not appeared at his Advisory Committee hearing of January 17th and had called Mr. Lazar to tell him he was ill. Mr. Beard's hearings with the Advisory and Program Committees shall be rescheduled.

B. Toney Burkhart. (Mr. Burkhart had been cited on October 13, 1983, for Street Artist Violation IV, Section 2, for display-"laser-cut" metal pendants allegedly uncertified and not of his own creation.) Mr. Burkhart was not present. Mr. Lazar informed the Committee that, according to the minutes of the Advisory Committee, Mr. Burkhart "agrees he is in violation in the photograph of the work he was selling; he says he will not sell the work and is willing to take a three-month suspension." The Advisory Committee had found him in violation, S.A.V. IV, Section 2. (On his own option, previously, Mr. Burkhart had chosen a standard penalty of two-week suspension of certificate for S.A.V. IV accordingly.) Mr. Lazar presented a letter of January 18, 1984 from Mr. Burkhart authorizing Mr. Lazar to present his case to the Program Committee and also accepting the penalty for Section 2 ("a three months suspension of my selling privileges").

Commissioner Hanson moved to uphold the finding of the Advisory Committee, that Mr. Burkhart be found in violation, Street Artist Violation Section 2 of IV, and that Mr. Burkhart's Certificate be suspended for three months; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Richard Webster. Mr. Webster was not present. Mr. Lazar informed the Committee that Mr. Webster had not appeared at

Continued.....

his Advisory Committee hearing of January 17th; he will be rescheduled the following month.

D. Stephen Wood. (Mr. Wood had been cited on December 14, 1983, for Street Artist Violation III, displaying ceramic items allegedly not of his own creation.) Mr. Wood was present. Mr. Lazar informed the Committee that while Mr. Wood is certified to sell "ceramics," the Advisory Committee had found, according to the minutes, that "the original art work" (of the items in question) "not of the artist's own creation. He bought molds of objects that were not of his own design. He wants to have ceramics to include work done from commercial molds ..." The Advisory Committee had found Mr. Wood in violation, S.A.V. III.

Mr. Wood told the Program Committee that the photograph in his file, taken at the time of his screening, is a picture of "pottery I made in class in 1981." He said his certificate specifies "ceramics" and that there is "a vast difference between the two." Commissioner Taliaferro asked him if there had been a mistake made on his certificate; Mr. Wood replied that he could not answer that. He added that ninety-eight per cent of the work was done by him; he said he did not make the mold of the particular item in question.

Commissioner Hanson asked Mr. Lazar if a similar case had been certified in the Program. Mr. Lazar spoke of one artist made original paintings on ceramic items, as vases, not made by the artist, and that the artist's certificate carefully reflects the distinction made by the Advisory Committee: the artist is certified to sell "handpainted designs on ceramic items not made by the artist." Mr. Lazar added that had Mr. Wood presented the molds of items which he did not make, the Advisory Committee would have considered the items with respect to the rest of his work. Mr. Wood, however, had presented only items which the Advisory Committee felt had been entirely made by him, at the time of his screening.

Commissioner Hanson stated that the items in question exemplified a decline of standards in the crafts program; it appeared that the artist was opting for a "faster" produced item at the expense of aesthetics. The Commissioner added that she felt standards must be maintained in the Street Artists Program, and that, as an artist, one has to maintain an integrity.

Commissioner Hanson moved to uphold the finding of the Advisory Committee, that Mr. Wood be found in violation, Street Artist Violation III, that the penalty of six-weeks suspension of certificate be suspended, and that a second violation shall incur the second violation's penalty; the motion was seconded by Commissioner Taliaferro and unanimously approved.

E. Mitchell Paradise. (Mr. Paradise had been cited on December 14, 1983, for Street Artist Violation II, second violation, allegedly displaying

Continued.....

commercially-manufactured cloisonne-type and jade-type pendants.) Mr. Paradise was not present. Mr. Lazar informed the Committee that Mr. Paradise had not appeared at his Advisory Committee hearing of January 17th. He added that this was a second violation, and that according to an Art Commission resolution of May 2, 1983, Mr. Paradise had been found in violation, S.A.V. II, but the penalty had been suspended and any future violation of this type would be considered as a seond violation. Mr. Lazar had received a letter dated January 20, 1984, from Mr. Paradise: "I was unfortunately called out of town on business the night before the Screening Committee meeting. I have no desire to prolong the proceedings. I agree to accept the standard penalty for my infraction, and you may so notify the Program Committee members." Mr. Lazar informed the Committee that there is no standard penalty for this violation; did Mr. Paradise mean literally "standard penalty" or did he mean simply to accept the penalty for the violation (a four-weeks suspension of certificate)?

Commissioner Hanson said that if that is the only penalty provided for this particular violation, then that must be what Mr. Paradise was willing to accept. Commissioner Taliaferro said that he had to assume that Mr. Paradise, "as knowledgable as he is of the Program and the bluebook, understands fully the penalty that he's actually asking for."

Commissioner Hanson moved to assess Mr. Paradise the prescribed penalty as per his agreement, that he be found in violation, Street Artist Violation II, second violation; the motion was seconded by Commissioner Taliaferro and amended to include the following: that if Mr. Paradise were cited again and found guilty of a third violation, the third violation's penalty would be imposed, and a review of Mr. Paradise's certificate. The motion, as amended, was unanimously approved.

F. Terry Harms. Mr. Harms was not present. Mr. Lazar informed the Committee that Mr. Harms had not appeared at his Advisory Committee hearing of January 17th; he will be rescheduled the following month.

II HEARING ON VETERAN'S EXEMPTION/PRIORITY IN CERTIFICATION

Mr. Michael Bizzari appeared and presented his item, a map of San Francisco, to the Committee. He stated that the waiting period for a street artist certificate is an obstacle for him because he is sixty-five, and that, as a veteran, he would not find himself in a waiting period or having to pay a fee for a street vendor's license. The problem, he said, is that there are hardly any locations for street vendors but many locations for street artists. He said he did not mind paying the street artist fee but did mind the waiting period. He was referred to the Art Commission by Sergeant West (of Central Police Station) because of the nature of Mr. Bizzari's work; Mr. Bizzari said that Sergeant West had felt the work qualified for a street artist certificate and that he would also have more of an opportunity for a location.

Mr. Lazar called the Committee's attention to Deputy City Attorney Boyajian's letter of September 15, 1983, which states: "... As I advised you, San Fran-

Continued.....

cisco Police Code Section 869.14 provides that the license fee may be waived for veterans applying for a peddler's permit. ... There is no other provision, either in the Municipal Code or in the San Francisco Charter, authorizing a waiver of fee or other requirements for veterans applying for a street artist certificate. In our opinion, the Arts Commission is not empowered to adopt a policy waiving the street artist fee and waiting list requirements for veterans; such policy determinations require legislative action by the Board of Supervisors. ... If the Commission wishes to propose such legislation, we would be happy to draft appropriate language for submission to the Board. ..."

Commissioner Taliaferro told Mr. Bizzari that if such a policy were adopted and the waiting period waived for veterans, Mr. Bizzari should not feel that he would automatically be entitled to a certificate; it would still be up to the Advisory Committee to recommend certification based upon an examination of the work.

Commissioner Hanson informed Mr. Bizzari of the Lottery space-assignment procedures, that there are more artists than spaces, and that Mr. Bizzari might consider that he would have an easier time in obtaining a space through the peddler's program. The Commissioner added that she felt uneasy about possibly opening a door to a situation that may warrant control.

Commissioner Taliaferro moved that the City Attorney be requested to draft legislation which would waive waiting list requirements for veterans, but no waiver of fee, and would retain for the Art Commission the right to review, amend, or rescind such policy at any time; the motion was seconded by Commissioner Hanson and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Herman Berlandt. (Mr. Berlandt's certificate #2374 had expired December 1, 1983; his request by telephone for priority had been received January 4, 1984.) Mr. Berlandt appeared. Commissioner Hanson moved that Mr. Berlandt's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Mary Jocelyn Dacorro. (Ms. Dacorro's certificate #2257 had expired January 3, 1983; her letter-request for priority had been received January 4, 1984.) Ms. Dacorro appeared and told the Committee that the reason she had waited so long was because she had been out of the country and had not had the money for a ticket to come back and take care of her certificate. She added that she had called her brother to request that he renew for her, but he had been a couple of days late and also had gone to the old address of the Art Commission.

Mr. Lazar read to the Committee a portion of a letter which he had written to Ms. Dacorro on February 4, 1983: " ...Your certificate expired January 3, 1983 ... The last day for submittal of your payment was January 17, 1983; the envelope enclosing your check was postmarked

Continued.....

January 25, 1983. ... The Art Commission has the right to grant priority, above the waiting list, in the issuance of a new certificate to a former certificate-holder, provided that the former certificate-holder submits a written request within ninety days after the certificate's expiration. Such requests are heard by the Commission's Street Artists Program Committee which meets once a month." Mr. Lazar told the Committee that his Program received no response from Ms. Dacorro until a year after her certificate had expired.

Ms. Dacorro told the Committee that she had tried to look for other jobs but that her entire experience for eight years had been as a street artist, and she had no other means.

Commissioner Hanson moved that Ms. Dacorro's request for priority be disapproved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. M. Alexandra Andrews. (Ms. Andrews' certificate #1814 had expired November 27, 1982; her letter-request for priority had been received January 6, 1984.) Ms. Andrews told the Committee that when her certificate expired, she had not realized there was a "grace period" to make an appointment for a hearing with the Program Committee. She said that she had also been very involved with her son, and suddenly his father cut off child support.

Commissioner Hanson moved that Ms. Andrews' request for priority be disapproved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

IV NEW BUSINESS

A. Pamela Walker (request by former certificateholder for priority in issuance of certificate). (Ms. Walker's certificate #2870 had expired November 9, 1983; she had telephoned her request for priority January 18, 1984, after the Committee agenda had been sent out.) Ms. Walker told the Committee that she had wanted to move out of her job and into selling on the street; instead, however, her work escalated to 60 - 70 hours a week. She said she was planning to quit her job because she could not "live like this any more."

Commissioner Hanson moved that Ms. Walker's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Yi Ming Lee (request by applicant for priority in issuance of certificate). Mr. Lazar informed the Committee that Mr. Lee had applied March 12, 1982, and had been sent a notice April 22, 1983, but had not responded. He came to the office on January 20, 1984, to give his new address.

Commissioner Hanson moved that Mr. Lee's request for priority be ap-

Continued.....

C. Margaret Kessler (request by former certificateholder for priority in issuance of certificate). (Mrs. Kessler's certificate #2820 had expired December 15, 1983; her request for priority had been received January 20, 1984.) Mrs. Kessler appeared.

Commissioner Hanson moved that Mrs. Kessler's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

The meeting adjourned at 2:55 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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Claire Isaacs
DIRECTOR

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, February 21, 1984 - 2:30 p.m.

Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets, San Francisco

A G E N D A

I HEARINGS ON ALLEGED VIOLATIONS

Certificate-holder	Alleged Violation
A. John Beard	Section 2 (of S.A.V. IV) - Belt items of various materials
B. Richard Webster	Section 2 (of S.A.V. IV), Second Violation - Cloisonne-type haircombs; fabric belts with cloisonne-type pendant/buckles
C. Terry Harms	S.A.V. IV, Section 2 - Beaded necklaces; metal pendant-style earrings and pendants on chains; metal animal figure pins; S.A.V. I

II REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Marvin Kirkland - Certificate #2736 expired June 26, 1983; request for priority received January 19, 1984.

III PROPOSAL FROM S. F. STREET ARTISTS ASSOCIATION FOR BUS STOP FOR #19 POLK ON HYDE STREET, NW CORNER, AT BEACH STREET

IV NEW BUSINESS

A. Request by former certificateholder Thomas Karnes for priority in issuance of certificate - Certificate #2416 expired January 23, 1984; his check for renewal postmarked one day late.

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, March 20, 1984 - 2:00 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco

A G E N D A

I HEARING ON ALLEGED VIOLATION: JOHN BEARD (alleged violation: Section 2 of S.A.V. IV - belt items of various materials)

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Thomas Werling - Certificate #2875 expired February 13, 1984; request for priority received by office March 7, 1984.

B. Richard LaFrenz - Certificate #1796 expired February 13, 1984; renewal payment postmarked March 2, 1984 (two days after final grace period day).

III REVISION OF STREET ARTIST VIOLATION CODE AND PENALTIES

The Committee will hear a proposal to establish the penalty of two months suspension of certificate for any first violation and the penalty of revocation of certificate for any second violation.

IV ADVISORY COMMITTEE RECOMMENDATION: CRITERIA FOR CERTIFICATION OF CASSETTE TAPES

V HEARING ON PRIORITY EXEMPTION IN ISSUANCE OF CERTIFICATE TO ELDERLY PERSONS

VI HEARING ON CERTIFICATTON FEE INCREASE

VII NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

March 20, 1984
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

M I N U T E S

Present: Commissioners Hanson and Taliaferro

Chairman Taliaferro called the meeting to order at 2:10 p.m. and moved that the agenda item "Hearing on Certificate Fee Increase" be held over to the following month; the motion was seconded by Commissioner Hanson and unanimously approved.

I ADVISORY COMMITTEE RECOMMENDATION: CRITERIA FOR CERTIFICATION OF CASSETTE TAPES

Program Director Lazar reported that the Advisory Committee of Street Artists and Craftsmen Examiners had conducted a hearing that morning on criteria for the certification of cassette tapes of an artist's performance. The following criteria was recommended to the Program Committee:

1) In its examination, the Advisory Committee shall listen to the tape for which the artist seeks certification and shall hear and view the live performance.

2) A copy of the artist's tape shall be given to the Street Artists Program and shall be part of the artist's file.

3) The artist's tape must be copyrighted with the Copyright Office, Library of Congress, and a photocopy of the copyright form(s) shall be given to the Street Artists Program and shall be part of the artist's file.

4) The artist/performer of the tape shall not have to be the author of the performance.

5) Other artists/performers involved in the recorded performance may be eligible for certification to sell the tape under the following conditions:

   a. The performer(s) must apply for certification as family unit members with the primary artist of the tape. ("Family Unit": Two or more persons jointly engaged in the creation

Continued .....

or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members thereof.)

b. A technician involved in the recording of the performance may be considered as a family unit member if the technician uses the technology as an instrument in the performance.

Street artist Phil Lawrence spoke in support of the above criteria.

Commissioner Hanson moved that the criteria for certification of cassette tapes, as recommended by the Advisory Committee, be recommended for approval; the motion was seconded by Commissioner Taliaferro and unanimously approved.

II REVISION OF STREET ARTIST VIOLATION CODE AND PENALTIES

Commissioner Taliaferro read the entire draft of a proposal to revise the Art Commission's Street Artists Violation Code and penalties. The draft separated violations and their penalties into two categories: Category "A" included non-craft violations, and Category "B" included craft violations. The Commissioner clarified that this draft was by way of simplifying the structure of the code and also putting extra strength of enforcement into it. The new procedures, if approved, would be included in the forthcoming Street Artists Program "bluebook."

Commissioner Hanson stated that there had been too much leniency in the Program, that there had been a lax attitude in complying with the regulations, and that many cases of violation had stalled the Program's hearing procedures. The Commissioner favored simplification of the code, less leniency, and more consistency in enforcement. She added that this might raise the quality of the Program, the work being sold, and the people's way of looking at themselves. Commissioner Hanson moved that the draft of the revised code and penalties be recommended for approval; the motion was seconded by Commissioner Taliaferro.

The Committee heard from the following street artists: David Samuel, Jack Haygood, Virginia (Kobayashi) Burris, Dennis Bustillos, James Millard, Wayne Konkright, Bennett Weiss, Elizabeth Sky, Tom Gilberti, Phil Lawrence, Kirk Turner, Eunice Rodriguez, Katrina Broomall, and Denise Florian. The artists made the following points:

1) The one-week suspension penalty for failure to display certificate (Category "A", No. 1) was too harsh; a certificate could be blown off the display, or stolen, or delayed in the mail during renewal time - these instances would lead to unintentional violations.

2) The draft revision lacked a provision for a time period for repetitive violations.

3) The law should require only that the certificate be produced upon request, and not that it be displayed at all times.

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4) The draft revision would increase - not decrease - the caseload of violations for Art Commission hearings.

5) The Commission should enforce the penalties of its present code and should not be too lenient.

6) The draft revision leaves open the question of whether previous violations would be counted against an artist.

7) The Commission should impose monetary fines, rather than certificate suspensions, for Category "A" violations; and certificates should not be revoked unless a violations becomes highly repetitive.

8) Artists should be allowed only one postponement for failing to appear at their hearings.

9) It is not fair to take away someone's livelihood for minor offenses.

10) Instead of enforcing against "squeezing" (artists set up illegally between legal spaces), the Art Commission should create more spaces for the artists.

11) Some artists are reluctant to display their certificates because of the possibility of persons reading their names, seeking out addresses, and robbing the artists. The Commission should place the artist's name on the back of the certificate.

12) The penalties for Category "B" violations are too harsh; an artist could be suspended for misunderstanding the crafts criteria.

With respect to the display of certificates, Program Director Lazar clarified that this was required not by the Art Commission but by the Municipal Code, since 1975; and that the Art Commission was now issuing two certificates to each artist as a matter of convenience for the artist.

Commissioner Hanson said that it appeared the intention of the Municipal Code was to distinguish the artists from other types of street merchants, for the benefit of the public.

Advisory Committee Member Betsy Meyers stated that if a person depended upon the Street Artists Program for his or her livelihood, then displaying the certificate was a minor issue. Ms. Meyers also stated that at ninety percent of her Committee's hearings on violations, many of the cases do not appear, and this becomes a waste of time and money.

Commissioner Hanson stated that in a situation of regulations and penalties, it is a person's responsibility to know the regulations and penalties, and that if the person violated, it would appear that it was the person's decision to do so, with no one else doing it to the person. The Commissioner

Continued.....

added that an enormous waste of time is spent on hearing violations, when she would like to do more in obtaining spaces and in dealing with Program changes. She asked the artists present for a show of hands of those who would prefer a system of monetary fines rather than suspensions for Category "A" violations. The response was nearly unanimous.

Street Artist Virginia Burris asked if the Art Commission intended to act on citations given by the Police to artists for "squeezing." Commissioner Taliaferro responded that, in the past, the Art Commission has not acted on such citations; but that perhaps it should, as there now appeared to be a consensus among the artists that the Commission enforce the rules and not be lenient.

The Committee requested Mr. Lazar to confer with the City Attorney on provisions for appropriate time limits on repetitive violations; the question of whether a new code may be retroactively applied to an artist's previous violations; placing the artist's name on the back of the certificate; and the Art Commission's attitude or position on the separation of Commission and Police enforcement.

Commissioner Hanson moved that her previous motion be withdrawn; the motion was seconded by Commissioner Taliaferro and unanimously approved.

Commissioner Hanson moved to put over consideration of the code revision to the following month; the motion was seconded by Commissioner Taliaferro and unanimously approved.

III HEARING ON ALLEGED VIOLATION: JOHN BEARD

Mr. Lazar informed the Committee that Mr. John Beard had been cited on October 7, 1983 for Street Artist Violation IV, Section 2, selling items - belts of various materials - that were allegedly not certified and not of the artist's creation. In November, Mr. Beard came to a hearing with the Advisory Committee, and the Committee examined the photo of the alleged violation and found him in violation for not having the items certified. The Advisory Committee, however, could not make a finding as to whether the belts were of his creation, because he did not bring samples to show the Committee. His hearing therefore was rescheduled for January. Mr. Beard missed the January hearing due, he informed the office, to illness. He was then notified to appear in February, and he did not appear. Nor did he appear at the Advisory Committee hearing in the morning of March 2oth. He was, however, present at this, the Program Committee, meeting. The Committee chose to examine the belts.

Mr. Beard showed finished and unfinished samples, many of which were attached with metal buckles he said he made; samples of leather and snakeskins; tools including s strap cutter with which he demonstrated the cutting of a skin; and explained his process of wrapping the belt over the buckle, sealing it, and running the belt under a press to seal the glue. He said he

Continued.....

made his belts in 15 - 20 minutes and the buckles in 2 - 3 hours.

Street Artist Phil Quirarte testified that he had been to Mr. Beard's workshop and had seen him make the belts. Street Artist Claudia Hart testified that she had seen him make them in his workshop near the San Remo Hotel in North Beach, and that she owned one of his belts.

Commissioner Hanson moved to recommend dismissal of the charge of Section 2 against Mr. Beard; the motion was seconded by Commissioner Taliaferro and unanimously approved.

IV REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Thomas Werling - Certificate #2875 expired February 13, 1984; Mr. Werling's request for priority was received by the Program office on March 7, 1984. Mr. Werling appeared before the Committee.

Commissioner Hanson moved that Mr. Werling's request for priority be recommended for approval; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Richard LaFrenz - Certificate #1796 expired February 13, 1984; Mr. LaFrenz's renewal payment was postmarked March 2, 1984 (two days after his tenth - final - grace period day). Mr. LaFrenz appeared before the Committee.

Commissioner Hanson moved that Mr. LaFrenz's request for priority be recommended for approval; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. John Kellington - Certificate #1909 expired February 12, 1984; Mr. Kellington notified the office on March 2, 1984 that he had not put the complete address of the Art Commission on the envelope of his mailed renewal payment, and had not received his renewed certificate. Mr. Kellington appeared before the Committee.
Commissioner Hanson moved that Mr. Kellington's request for priority be recommended for approval; the motion was seconded by Commissioner Taliaferro and unanimously approved.

V HEARING ON PRIORITY EXEMPTION IN ISSUANCE OF CERTIFICATE TO ELDERLY PERSONS

The Committee heard from Ms. Ana Montano, attorney from Mission Community Legal Defense, Inc. and representing Mrs. Olga Orellana. Ms. Montano said that her client was seventy-one years old, retired, and a craftsperson who wishes to sell her work - not so much for profit but for the well-being involved in the endeavor. She requested that her client's application be expedited for the following reasons:

1) Her client's lifespan is shorter than a younger person's and a

Continued.....

two-year wait for certification is too long for her.

2) Certification as a street artist would help her economic plight.

3) The mental health apsect should be given primary importance: the elderly tend to suffer from isolation from the rest of society, from loneliness and boredom; certification as a street artist would eliminate health problems and costs for her client.

4) Her client intends to limit her selling times and to locations not frequented by most street artists.

Commissioner Taliaferro asked what age constituted "elderly." Ms. Montano responded that under the Federal Older Americans Act it is sixty years of age. Ms. Montano said she represented people of that age and older. Her client, Mrs. Orellana, makes small throw-pillows. She clarified that there is no legal mandate for priority for the elderly with respect to other permits. The elderly, she said, would tend to make traditional crafts.

Street Artist Mark Kielty said that being a street artist is an arduous task, very physical - hauling in merchandise, setting up, withstanding the elements, etc. He recommended that Ms. Montano's client approach the Senior Citizen Center at Aquatic Park and the crafts store for the elderly on Polk Street.

Ms. Montano said her client is Spanish-speaking, and this may be a limitation.

Commissioner Taliaferro said that before the Commission sets a precedent, it would be appropriate to obtain some projections on the number of elderly persons who would be attracted to the Street Artists Program. The Commission on Ageing, as well as the Recreation-Park Department, should be consulted.

Commissioner Hanson said that Recreation-Park should be approached to see if they would be willing to offer their Justin Herman Plaza and other locations to the elderly. Both Commissioners asked Mr. Lazar to call these agencies. Commissioner Taliaferro said this matter would be taken up at the next Program Committee meeting.

Commissioner Hanson moved that the meeting be adjourned; the motion was seconded by Commissioner Taliaferro and unanimously approved. The meeting adjourned at 4:12 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

SF
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#2
4/24/84

City and County of San Francisco — Arts Commission

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

Commissioners

Roselyne C. Swig
President

Dmitri Vedensky, Jr.
Vice President

Vernon Alley
Timothy Duncan
Fredrick Goerner
Jo Hanson
Robert LaRocca
Jacqueline Nemerovski
William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, April 24, 1984 - 2:00 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco, California

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A G E N D A

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF NEW CERTIFICATE

A. Donald E. Kern, Jr. - Certificate #2922 expired February 1, 1984; Mr. Kern's request for priority received by office April 4th.

B. J. D. Smith - Certificate #2852 expired March 25, 1984; Mr. Smith's renewal payment mailed five days after final grace period day.

II REVISION OF STREET ARTIST VIOLATION CODE AND PENALTIES - HEARING

III CERTIFICATE FEE INCREASE - HEARING

IV PRIORITY EXEMPTION IN ISSUANCE OF CERTIFICATE TO ELDERLY PERSONS - HEARING

V REQUEST BY ARTISTS OF JUSTIN HERMAN PLAZA FOR LOADING/UNLOADING PERMIT

VI NEW BUSINESS

* * *

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4/24/84

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

Commissioners

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Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
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STREET ARTISTS PROGRAM COMMITTEE

April 24, 1984
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco

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M I N U T E S

Present: Commissioners Hanson and Taliaferro.

Chairman Taliaferro called the meeting to order at 2:15 p.m.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Donald E. Kern, Jr. - Certificate #2922 expired February 1, 1984; Mr. Kern's request for priority was received by the Program on April 4th. A copy of Mr. Kern's money order dated January 16th was submitted (the money order never reached the Program). Commissioner Taliaferro moved that Mr. Kern's request be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

B. J. D. Smith - Certificate #2852 expired March 25, 1984; Mr. Smith's renewal payment was mailed five days after the final grace period day for renewal. Commissioner Taliaferro moved that Mr. Smith's request for priority be approved; the motion was seconded by Commissioner Hanson and unanimously approved.

II REVISION OF STREET ARTIST VIOLATION CODE AND PENALTIES

Commissioner Taliaferro asked Program Director Lazar to explain the latest, the second, draft revision of the Street Artist Violation Code as well as the new proposal for enforcement. Discussion ensued between the Committee and the street artists, and the following significant points were made:

- The draft revision eliminates the Arts Commission's review of first-offense violations and penalties relative to the Police regulations - e.g., display of certificate, dimensions of setup, location requirements. While the Arts Commission has the authority to suspend or revoke a certificate as a result of such violations, the City Attorney's office has clarified that the Commission is not mandated to enforce the Police regulations

Continued.....

as these are part of the Municipal Code, and the Commission may defer to the Police for their enforcement.

- The draft provides for Arts Commission review of street artists who receive Police citations for repetitive offenses. (Upon receipt from the Police of copies of two citations issued to an artist, the Program shall notify the artist that his/her certificate shall be subject to review if the Commission receives a copy of a third citation issued to the artist.)

- The draft retains the Program Committee's concept of the same two penalties (two-month suspension for a first offense and revocation for a second offense) for all of the listed violations.

- The draft adds to its list of violations two more: Participation in the lottery without a valid Board of Equalization Seller's Permit; and Violation of any lottery rule.

- The new method for Arts Commission enforcement on weekends and holidays (the Program Director currently acts as "inspector" during the week) was proposed simultaneously by the Program Director, the Advisory Committee of Street Artists and Craftsmen Examiners, and several street artists. The proposal defers the hiring of two full-time Art Inspectors and directs the Advisory Committee to perform the duty of monitoring, on weekends and holidays, the wares offered for sale by street artists.

- While the Program Director inspects during the weekdays, most of the major violations occur on weekends because it is widely known that the Arts Commission is not on the streets at those times. Upon approval by the Commission, weekend monitoring by the Advisory would begin in mid-May and would continue until the end of summer, at which time the Director would submit a report to the Commission on the results of the monitoring.

- The monitoring will be done by the very persons responsible for having approved the work they will monitor. They are already qualified in detecting violations, having conducted monthly violation hearings.

- The Advisory Committee will monitor the effectiveness of their crafts criteria adopted by the Commission and will also record and photograph any violation relative to the criteria and the wares offered for sale.

- The Advisory Committee's reports, photographs, and evidence will be submitted to the Program Director in a public meeting in the week following each weekend's monitoring.

- The present provision for Advisory Committee hearing of a craft

Continued.....

violation shall be eliminated, as the Advisory Committee members could not hear a case which they themselves have reported; such cases will be referred by the Program Director to the Street Artists Program Committee.

- Under present law, the Advisory Committee may be compensated for their public meetings in which they submit their reports to the Director, based on their monitoring duty; but they may not be compensated for the monitoring duty itself. If, by the end of summer, the results are satisfactory to the Commission, and the Advisory Committee is then directed to continue their monitoring duty, the Program Director will request approval for an amendment to compensate the Committee for such duty, as well as an amendment to increase the street artist fee to cover the cost.

Chairman Taliaferro read the text of a resolution prepared by the City Attorney, directing the Advisory Committee to performing the duty of monitoring. (See copy of text attached to these Minutes.)

Commissioner Hanson moved that the resolution be adopted; the motion was seconded by Commissioner Taliaferro and unanimously approved.

Street Artist Linda Stark stated that the proposed penalties for lottery violations were too strict, that such violations were not of the same magnitude as violations of the wares offered for sale. Also, in cases of repetitive offenses of the Police regulations, the Arts Commission should take action based upon receipt of copies of convictions rather than citations.

Commissioner Hanson moved that the second draft revision of the Street Artist Violation Code be recommended for approval and implemented June 1st to September 2, 1984, whereupon it shall be reviewed by the Arts Commission, and that the draft include the following amendments:

1) A provision for a twelve-month period for Arts Commission convictions of repeat violations.

2) A provision for the Arts Commission to take action upon receipt of notices of two convictions, rather than citations, of criminal violations within a twelve-month period.

3) Deletion from the list of violations of violation Number 8 (violation of any lottery rule).

The motion was seconded by Commissioner Taliaferro and unanimously approved. (See copy of revised code with amendments attached to these Minutes.)

The Commissioners asked that the lottery rules be reviewed, clarified,

Continued.....

and redrafted for eventual inclusion in the new code.

III CERTIFICATE FEE INCREASE

The Committee chose to postpone its hearing on increasing the certification fee until after the Commission's September review of the Advisory Committee's monitoring duty.

IV PRIORITY EXEMPTION IN ISSUANCE OF CERTIFICATE TO ELDERLY PERSONS

Program Director Lazar reported that he had spoken to Mrs. Rodgers of the Recreation-Park Commission regarding allowances for elderly craftspeople to sell their wares in Golden Gate Park or other Rec-Park property, and that he had informed Attorney Ana Montano of Mrs. Rodgers' advice that she contact the Golden Gate National Reacreation people.

Commissioner Hanson stated that it is not uncommon for cities to assign a location for unlicensed vendors, and, in this case, there might be a possibility for such an area to be reserved for elderly vendors. Commissioner Taliaferro said that it would have to be a request coming from the elderly through the Commission on Ageing and to the Board of Supervisors.

Commissioner Taliaferro moved that Attorney Ana Montano's request for priority in the issuance of a certificate for her client, Olga Orellana, be denied; the motion was seconded by Commissioner Hanson and unanimously approved.

Attorney Montano requested that the Street Artists Program Committee recommendation be stated in a response to her letter. The Committee directed Mr. Lazar to respond.

V REQUEST BY ARTISTS OF JUSTIN HERMAN PLAZA FOR LOADING/UNLOADING PERMIT

Mr. Lazar submitted a letter dated March 7th and signed by several artists who sell their wares at Justin Herman Plaza. Mr. Lazar explained that the Police have issued citations to the artists for loading or unloading their displays at the adjacent no-parking curb. The letter states: "It is very difficult to take heavy items, tables, etc. any other way" and requests a solution. Mr. Lazar said he had communicated with the Captain of Southern Station and with other Police personnel. Possible solutions might be making the curb a yellow zone or a green (time limit) zone - however, the artists expressed the feeling that it would be abused by trucks parking there all day. Another possibility might be to request the Board of Supervisors for a special parking permit (sticker) for artists

Continued.....

for that location. This would be similar to the special permit which was granted as an "employer bus stand" to one of the city's major stores (Ordinance 378-79, Board of Supervisors file 82-79).

Street Artist Kitt Foster said that has always been a new policeman who won't give the artists a break to load or unload. Ms. Foster requested that a 15-minute parking permit be issued to the artists.

Commissioner Hanson moved that the City Attorney be requested to draft legislation for such temporary parking at Justin Herman Plaza, and that the legislation be reviewed by the Program Committee prior to recommendation to the Commission and to the Board of Supervisors; the motion was seconded by Commissioner Taliaferro and unanimously approved.

Ms. Foster requested that the Advisory Committee monitor the Plaza and not just the street locations - especially because of the presence of unlicensed people. She said that the Police will not enforce the rules against the unlicensed because the location belongs to Rec-Park. Commissioner Taliaferro asked Mr. Lazar to seek clarification from that agency.

VI NEW BUSINESS

A. Request by Masako Funato for Issuance of Certificate - Ms. Funato, an applicant, had recently be screened for certification but had exceeded the 10-day requirement for obtaining her certificate. According to her letter, her sister had been in an accident in Los Angeles, and Ms. Funato had to leave San Francisco for two weeks.

Commissioner Hanson moved that Ms. Funato's request for certification be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Request from S. F. Arts Festival for Advisory Committee to Select Street Artists for Arts Festival. Mr. Lazar presented a letter-request from Arts Festival Co-Director Barbara Veatch Vorhees for the Advisory Committee of Street Artists and Craftsmen Examiners to select street artists for Arts Commission certificates of merit and also for invitational entry into the Arts Festival.

Commissioner Hanson moved that the Advisory Committee be directed to select street artists for certificates of merit and for invitational entry into the 38th San Francisco Arts Festival; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Performers. Commissioner Taliaferro stated that he had recently attended a meeting of the Port Commission and the performers; he requested Mr. Lazar to send a copy of the street artists ordinance to Randy Rossi of the Port.

Respectfully submitted:

Howard Lazar

Howard Lazar

D R A F T

WHEREAS, the Street Artists Ordinance, Proposition L approved by the voters on November 4, 1975, grants to the Arts Commission exclusive jurisdiction to issue street artist certificates and to regulate street artists; and

WHEREAS, Section 2 of Proposition L provides for an Advisory Committee of Street Artists and Craftsmen Examiners to "advise the Art Commission on matters relating to the wares produced by street artists and to perform such other functions as shall from time to time be deemed appropriate by the Commission"; and

WHEREAS, the Arts Commission has adopted criteria proposed by the Advisory Committee of Street Artists and Craftsmen Examiners, relating to the wares produced by street artists; and

WHEREAS, the Advisory Committee is eminently qualified to monitor and review the effectiveness of the adopted criteria; and

WHEREAS, the predominant street artist sales activities occur traditionally on weekends and holidays;

NOW BE IT RESOLVED, that the Arts Commission does hereby direct the Advisory Committee of Street Artists and Craftsmen Examiners to perform on Saturdays, Sundays, and holidays, from May 15 to September 2, 1984, the function of monitoring the wares offered for sale by street artists, for the purpose of reviewing the effectiveness of the crafts criteria; and

BE IT FURTHER RESOLVED, that the Advisory Committee is hereby

Continued.....

authorized, in the course of said monitoring, to gather evidence and to prepare reports relative to violations of criteria and wares offered for sale by street artists, and to report and submit such findings and evidence to the Director of the Street Artists Program in a public meeting held in the week following said monitoring; and

BE IT FURTHER RESOLVED, that the Arts Commission does hereby direct the Director of the Street Artists Program to prepare and submit an evaluation report of the results of said monitoring, and any recommendations relative to the direction of the Street Artists Program, to the Arts Commission at its regular meeting in September, 1984.

ARTS COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS

PENALTIES FOR VIOLATIONS

The Street Artist Ordinance, Proposition L approved by the voters on November 4, 1975, grants to the Arts Commission jurisdiction to regulate street artists and to issue street artist certificates. Proposition L makes it unlawful for any person to sell a handcrafted item in any public street or public place where it is permissible, without either a street artist certificate or a peddler's permit. It further prohibits the sale by a street artist of a handcrafted item in an area not designated for street artist activities without a peddler's permit. Article 24.2, Section 2408, of the San Francisco Municipal Code empowers the Arts Commission to revoke a street artist's certificate for violation of the street artist regulations after a public hearing and for good cause shown.

The Arts Commission may, but need not, require submittal of a Police report before proceeding with the suspension or revocation of a street artist's certificate. The Arts Commission may proceed based on the submittal of a written report by its staff, a street artist, or by anyone. The procedures followed by the Arts Commission or other permit-issuing bodies for the suspension or revocation of permits is a civil proceeding separate and apart from any criminal sanctions that may be applicable.

In the event of the Arts Commission receiving notices of two convictions of criminal violations of an artist, within a twelve-month period, the Commission may notify the artist that his/her certificate may be subject to review for possible suspension or revocation.

The Arts Commission is empowered to suspend or revoke a street artist's certificate, after a public hearing, both pursuant to its express power to revoke for good cause shown contained in the street artist regulations and under the general and discretionary powers granted to all permit-issuing departments as set forth in Sections 24 and 26 of Part III of the San Francisco Municipal Code.

Street artist violations are heard by the Commission's Street Artists Program Committee who makes recommendations for either acquittal, suspension, or revocation or denial of certification. The recommendation is submitted to the Commission who, by resolution, may amend, adopt, or disapprove the recommendation.

Any suspension or revocation commences two (2) weeks after the Arts Commission's resolution, allowing ten (10) days for the artist to file an appeal with the Board of Permit Appeals.

Failure to appear for any violation hearing may result in a Program Committee recommendation of the penalty with respect to the violation of which the artist has been charged. If this recommendation is approved by the Arts Commission, the artist may either file an appeal with the Board of Permit Appeals within ten days or request a rehearing with the Program Committee within ten days from the date of the Commission's resolution. Such request for rehearing must be in writing and must state

Continued.....

succinctly the grounds upon which such rehearing is requested. If new evidence is relied upon as a ground for rehearing, the request shall show:

1) The nature and character of the new evidence;

2) The names of the witnesses and/or a description of the documents to be produced;

3) Why the evidence was not produced, and why the artist did not appear, at the original hearing.

PENALTIES FOR VIOLATIONS

There shall be a penalty of two (2) months suspension of certificate for a first offense of any of the following violations, and there shall be a penalty of revocation of certificate for a second offense of any of the following violations if the person has been found in violation by the Arts Commission within the twelve-month period immediately preceding the current offense:

1) Display of items not in accord with Arts Commission criteria. (Article 24.2, Section 2401b)

2) Display of items not of the artist's own creation. (Article 24.2, Section 2405a)

3) Display of items not certified by the Arts Commission. (Proposition L, Section 5)

4) Display of items by salesperson or another artist on behalf of a street artist. (Proposition L, Section 7)

5) Transference of certificate to any other person. (Article 24.2, Section 2404b)

6) Display of items and/or participation in Arts Commission lottery by artist during period of certificate suspension. (Article 24.2, Section 2408b)

7) Participation in Arts Commission lottery without a valid State Board of Equalization Resale Permit. (Article 24.2, Section 2406a)

SF
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#2
5/22/84

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

Commissioners

Roselyne C. Swig
President

Dmitri Vedensky, Jr.
Vice President

Vernon Alley
Timothy Duncan
Fredrick Goerner
Jo Hanson
Robert LaRocca
Jacqueline Nemerovski
William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

STREET ARTISTS PROGRAM COMMITTEE

Tuesday, May 22, 1984
2:00 p.m.
Main Library - Commission Room (3rd floor)
Larkin and McAllister Streets
San Francisco, California

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A G E N D A

I VIOLATION HEARINGS

A. Harry Mason Alleged Violation:
   1) S.A.V. III - Category of craft is certified, but one or more of the items displayed does not appear to be of the artist's own creation.
   2) S.A.V. V - Salesperson selling for artist.

B. Kathryn Strong Alleged Violation:
   1) S.A.V. III.

C. Sherrie Tatum (applicant for certificate) Alleged Violation:
   1) Section 7(a) of Street Artist Ordinance - unlawful sale of craft work in street artist space, without street artist certification.
   2) Section 2406(a), Article 24.2, Part II, Chapter VIII of San Francisco Municipal Code - obtaining a lottery sales space without street artist certification.

D. Dennis Bustillos Alleged Violation:
   1) S.A.V. V - Salesperson selling for artist.

E. Patricia Soister Alleged Violation:
   1) S.A.V. V.

II REQUEST FOR WAIVER OF TREASURER'S FEE ON RETURNED CHECK: DAVID MASON

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR ISSUANCE NEW CERTIFICATE

A. Paul Grogan - Certificate #2918 expired April 17, 1984; request submitted May 7, 1984.

B. Robert Simon - Certificate #1021 expired April 19, 1984; payment for renewal mailed 4 days after last renewal day.

IV NEW BUSINESS

SF
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#1
5/22/84

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

Commissioners

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Ex Officio Members:

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STREET ARTISTS PROGRAM COMMITTEE

May 22, 1984
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

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M I N U T E S

Present: Commissioners Hanson and Taliaferro.

Chairman Taliaferro called the meeting to order at 2:10 p.m.

I VIOLATION HEARINGS

A. Harry Mason and Kathryn Strong. Program Director Lazar informed the Committee that the key witness for both of these hearings was not able to be present. Commissioner Hanson moved that the hearings of Harry Mason and Kathryn Strong be continued to the following month; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Sherrie Tatum. Mr. Lazar informed the Committee that Ms. Tatum is an applicant for a certificate who has been on the waiting list for two years. On April 16, 1984, just one week before her scheduled examination for certification, Ms. Tatum was observed and photographed by Mr. Lazar in a street artist space at Fisherman's Wharf, selling kites. Mr. Lazar had questioned her about how she had obtained the space, and, according to his report, she had named two certified artists, "Dennis and Pat (Soister) Bustillos." Ms. Tatum was charged with the following alleged violations: Section 7(a) of the Street Artist Ordinance (unlawful sale of craft work in a street artist space, without certification); Section 2406 (a) and (h), Article 24.2, Part II, Chapter VIII of the San Francisco Police Code (unlawful sale of work in an area subject to the Arts Commission's lottery, without obtaining a lottery document).

In the week following the incident, Ms. Tatum appeared at her scheduled examination with the Advisory Committee, to request certification as a family unit member with Bustillos and Soister in the making of kites. The Advisory Committee subsequently visited her work site in San Francisco to verify her making of the kites. The Advisory Committee's findings were that she "bends the bows, glues the pieces, but doesn't cut the mylar - said it was cut by Dennis in

Continued.....

New Mexico. Committee feels they can't deny certification, based on lack of evidence."

The Commissioners questioned Ms. Tatum. She stated the following:

1) She has not been selling since April 16th.

2) Neither Dennis Bustillos nor Pat Soister had anything to do with her obtaining the space; no one obtained the space for her.

3) At the time, Ms. Soister was in New Mexico.

4) At the time, no one was set up at that end of the street; Ms. Tatum moved into the space.

5) When Lazar questioned her, Ms. Tatum "made up something" about watching the display for Dennis Bustillos and Pat Soister because she knew them.

6) When he spoke to her, Lazar did not identify himself.

7) She occupied the space wrongfully; she needed money to get back home to Grass Valley.

8) She is the sole supporter of two children; she felt she has been punished enough by not being able to sell during the month after her examination.

9) When she had applied two years before, she had been making pottery and clothing; kitemaking, however, seemed to be very popular on the street.

Commissioner Taliaferro clarified that the Arts Commission could not grant a certificate subject to stipulations - for example, a probationary period of time. A certificate may be either granted or denied. The Commissioner further stated that if the Committee did decide to recommend certification, Ms. Tatum would be strongly urged to obtain a copy of the forthcoming (June 1st) penalties for street artist violations. The Commissioner warned her against future street artist violations.

Ms. Tatum replied that, rest assured, the warning would be heeded.

Commissioner Hanson informed the unit of Tatum, Bustillos, and Soister that the Commission would be paying careful attention to what they sell on the street. Commissioner Hanson moved that certification be granted to Ms. Tatum, with the warning that the Commission will closely monitor her operation on the street; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Dennis Bustillos and Patricia Soister. Mr. Lazar made the following

Continued.....

comments:

1) Both Mr. Bustillos and Ms. Soister, due to their alleged connection with the Sherrie Tatum case, were charged with allegedly violating the Arts Commission's present Street Artist Violation Code, specifically Street Artist Violation V (salesperson selling for artist).

2) Mr. Bustillos' file shows that in 1980 he accepted a standard penalty suspension for the same violation.

3) For several years, the Program office has received allegations from other artists that Mr. Bustillos' kites came from New Mexico, were not made by him, and that this could be evidenced by the volume of kites on his display and his daily attendance on the street.

Mr. Bustillos replied to questions from the Commissioners and stated the following:

1) He himself had asked for a re-screening of his craft and had invited his accusers to attend; similarly, he had invited them to his work site in the city, to watch him make the kites, but none had ever come to the site.

2) The kite-making process involves his unit's own designs; rolls of colored mylar 36 inches wide and weighing 100 - 125 pounds and cut into colors 3 inches wide, with three shades for each color; the placement of 100 sheets on a table which are cut exclusively by Mr. Bustillos because of his years of experience; A.B.S. Tubing from Bay Plastics; material held over patterns by means of suction while glue is dried by blower; the attachment of spine and bridle.

3) 1,300 tails can be made in eight hours, 16,000 head patterns in one day.

4) His family unit works indoors for five months out of the year, to be able to sell continuously during spring and summer.

5) The reason his unit goes to New Mexico is because his eight-year-old daughter lives there, and he does the mylar cutting there.

6) Previously, the vacuum-forming of the kites had been done in San Francisco. Now Ms. Tatum does it in Grass Valley, while in Bustillos' studio, Patricia Soister attaches the tails and assembles the bridles.

7) Their kites are sold in two sizes: $7.99 for the large size and $3.99 for the smaller size. If the unit were not making them, the kites could not be sold at these prices.

8) Mr. Bustillos used to work for Magic Dragon Kites.

9) There is no employer-employee relationship between Ms. Tatum and

Continued.....

himself.

10) The day Ms. Tatum was photographed, she was selling her own work and not his.

11) He did not give Ms. Tatum the space; he did not set her up; he did not know she was selling.

12) As for the charge of having a salesperson four years ago, he had been arrested for outstanding parking tickets and had left Patricia Soister to watch his display.

Commissioner Taliaferro asked Mr. Lazar if the kites that Ms. Tatum had been selling were similar to the ones for which she was screened as a family unit with Mr. Bustillos. Lazar showed the Commissioners the photo taken on the street and the photo taken of the work at the screening, and said he felt the work was similar.

Commissioner Taliaferro stated that Mr. Lazar was proper in citing Mr. Bustillos and Ms. Soister when their names had been mentioned in his conversation with Ms. Tatum; he would have been remiss to have not done so. The Commissioner added that he did not feel a conviction could be upheld.

Patricia Soister told the Commissioners that she was in New Mexico on the day of Ms. Tatum's incident.

Commissioner Hanson moved that the charges against Mr. Bustillos and Ms. Soister be dismissed; the motion was seconded by Commissioner Taliaferro and unanimously approved.

II REQUEST FOR WAIVER OF TREASURER'S FEE ON RETURNED CHECK: DAVID MASON

The Committee observed that Street Artist David Mason's check for his certificate renewal lacked his signature and, for that reason, had been returned. Commissioner Hanson moved that the Treasurer's fee for Mr. Mason's returned check be waived; the motion was seconded by Commissioner Taliaferro and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Paul Grogan - Certificate #2918 expired April 17, 1984; his request for issuance was submitted May 7th. Mr. Grogan told the Committee that he had mistaken his renewal date for the date of a scheduled operation on his hand. Commissioner Hanson moved that Mr. Grogan's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

Continued.....

B. Robert Simon - Certificate #1021 expired April 19, 1984; his payment for renewal was postmarked four days after his last renewal period day. Mr. Simon told the Committee that in Mendocino the mail is picked up once a week and his envelope had not been picked up on time.

Commissioner Hanson moved that Mr. Simon's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Margarita Monteza - Certificate #2856 expired April 5, 1984; her request was received May 14, 1984.

Commissioner Hanson moved that Ms. Monteza's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

IV NEW BUSINESS

Commissioner Hanson reported that Supervisor Silver was considering the possibility of establishing street artist locations adjacent to the J. C. Penney Building on Market Street. The Commissioners asked Mr. Lazar to see if spaces on that block already exist.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco

Arts Commission

Dianne Feinstein
MAYOR

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MEETING OF STREET ARTISTS AND PROGRAM DIRECTOR ON REGULATION OF LOTTERY AND SPACE- ASSIGNMENT RULES AND PROCEDURES

Monday, June 18, 1984
10:30 a.m.
CONFERENCE ROOM (3rd floor)
45 Hyde Street (at McAllister)
San Francisco, California

A G E N D A

I DISCUSSION AND PROPOSALS RE: THE FOLLOWING:

A. Lack of Clear Definition of Occupancy Rule

B. Giving Away of Spaces

C. Enforcement of Occupancy of Spaces; Bumping Procedure

D. Elimination of Signing Up for Two Spaces on Any Day

E. Clarification of "Family Unit"

F. Penalties

II NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, June 19, 1984 - 2:30 p.m.
Main Library - Lurie Room (ground floor)
Larkin and McAllister Streets
San Francisco, California

A G E N D A

I HEARINGS ON ALLEGED VIOLATIONS

A. Harry Mason - Certificate #2434 — ALLEGED VIOLATIONS: Street Artist Violation III (one or more items do not appear to be of artist's oqn creation); Street Artist Violation V (salesperson for artist).

B. Kathryn Strong - Certificate #2941 — ALLEGED VIOLATION: Street Artist Violation III.

C. Terry Harms - Certificate #2925 — ALLEGED VIOLATION: Street Artist Violation III; and Section 2404(b) Certificate Transfer, Article 24.2, Part II, Chapter VIII, S. F. Municipal Code.

II REQUEST BY STAFF FOR ADVISORY COMMITTEE COMPENSATION FOR STUDIO VISITS AND OTHER FUNCTIONS DEEMED APPROPRIATE BY ARTS COMMISSION

III PROPOSAL FOR LOTTERY SYSTEM

IV CORRECTION OF PROGRAM COMMITTEE MINUTES OF MAY 22, 1984

V NEW BUSINESS

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STREET ARTISTS PROGRAM COMMITTEE

June 19, 1984
Main Library - Lurie Room
Larkin and McAllister Streets
San Francisco, California

M I N U T E S

Present: Commissioners Hanson and Taliaferro

Chairman Taliaferro called the meeting to order at 2:35 p.m.

I HEARINGS ON ALLEGED VIOLATIONS

A. Harry Mason and Kathryn Strong. Program Director Lazar informed the Committee that on March 29, 1984, he received a report that Street Artist Harry Mason employs workers who are involved in the creation of most of the items he sells from his street artist display, and also that his items are sold from the display of Street Artist Kathryn Strong. On April 5, 1984, at 12:20 p.m., Mr. Lazar observed Ms. Strong on Geary Street (near Stockton), displaying earring items, many of which were attached to backings bearing the name "Harry Mason." The same name was also on cardboard boxes on Ms. Strong's display. The receipt of the report on Mr. Mason and the observation of Ms. Strong's display occurred when the previous Arts Commission Violation Code was in effect; the two certificateholders were therefore charged in violation of that Code. Mr. Mason's alleged violations: Street Artist Violation III (category of craft is certified, but one or more items displayed does not appear to be of artist's own creation); and Street Artist Violation V (salesperson selling for street artist). Ms. Strong's alleged violation: Street Artist Violation III.

Mr. Mason and Ms. Strong were heard by the Advisory Committee of Street Artists and Craftsmen Examiners on May 22, 1984. Mr. Lazar related, from his notes, some of Mr. Mason's responses to questions at the hearing:

1) Mr. Mason has three people who work for him but do not work on the items he sells on the streets.

2) His workers do not do "completion work" - only the preparatory work as cutting the wire, etc.

Continued.....

3) His workers do only the items for his wholesale business.

4) He started hiring people a year before to keep up with the wholesale business.

5) No one in his company can make his item known as the "ear spiral" - the workers could cut the wire and file the ends but could not be able to do the actual piece. Mr. Mason himself makes the "ear spiral" for both the street business and the wholesale business.

6) Mr. Mason trained Ms. Strong before any of the other workers were hired.

With regard to the alleged Violation III for both Mr. Mason and Ms. Strong, the Advisory Committee found "not enough evidence to support this as any violation." With regard to Mr. Mason's alleged Violation V, the Advisory Committee found: "(1) photo" (of Ms. Strong's display) "shows a violation; (2) Kathryn & Harry do their own work - We find that the actual work is not in violation and we recommend that they apply as a family unit."

Mr. Mason was questioned by the Commissioners and gave the following responses:

1) He has people who work for him, but they do not make the work he sells on the street.

2) He sells the same type of items wholesale as he does on the street.

3) He keeps his sales kit of street artist items separate from the other merchandise he ships out.

4) He uses the street to "test" new designs.

5) For his wholesale business, none of his workers makes the complete item; Mr. Mason works on all the items that his workers make for the wholesale business, and he alone makes 100% of the items for the street.

6) Mr. Mason works from 8 a.m. to 9 p.m. and works on the weekends as well; he also makes his items at his display on the street.

7) He was surprised to see his former worker Tom Schioler at the Program Committee meeting; Mr. Schioler had worked for him for a year, never did completion work, and was let go for undesirable circumstances.

8) Mr. Mason produces approximately 600 pieces a month.

The Program Committee heard testimony from Mr. Tom Schioler:

1) Mr. Schioler worked for Mr. Mason from November, 1982, to the end of March, 1984; he polished, cut, bent, and hammered the items.

Continued.....

2) Mr. Schioler observed that Mr. Mason employed seven workers: Schioler, Jonda Miller, Mitzi Hoffweill, Wendy Klein, Harry's mother, Michelle Colbert, and a woman named Laura. Mr. Schioler described the tasks of each worker on the jewelry items.

3) Mr. Schioler exclusively made the item called "9c" and Mr. Mason had no part in its making. Mr. Schioler cut the wire, bent, filed, hammered and polished it.

4) Mr. Mason trained Ms. Strong to be able to demonstrate to the Advisory Committee that she could put the jewelry together. Mr. Mason supplied her with materials for his street sales.

Mr. Schioler identified, for the Committee, the items he had made, as they appeared in Harry Mason's catalogues. He also identified in the catalogues the items, he said, made by the other workers. He identified the item "9c" which he said he made entirely. He showed the Commissioners copies of his last paycheck and records of what he had made for Mr. Mason. He also produced a statement which, he claimed, Mr. Mason had made him sign to not disclose any information about the operation of the business without written consent of Harry Mason Designer Jewelry.

5) Mr. Mason did not separate his street items from his wholesale items.

Mr. Mason told the Commissioners:

1) Mr. Schioler was doing this out of vindictiveness for being fired.

2) Mr. Schioler had had a drug and alcohol problem.

3) Mr. Schioler had made the "9c" for him, but Mr. Mason never sold this item on the streets because it was too low of a price.

4) Out of the entire catalogue, Mr. Schioler had pointed to only one item which he had made completely; Mr. Mason had forgotten this item beacuase he had not sold it.

5) Mr. Schioler did not know for a fact that Mr. Mason did not separate the street items from the wholesale items.

6) Mr. Mason has three current employees; the maximum number at any one time was four. He had neglected to mention his mother because she does labels for him and not jewelry work.

Program Director Lazar submitted to the Commissioners a letter to Mr. Schioler from the Division of Occupational Safety and Health,

Continued.....

responding to Mr. Schioler's complaint about rouge dust, niobium metal ground, at Harry Mason's worksite. The letter mentioned that "Mr. Mason claimed that he is not an employer at this time."

Mr. Mason responded that his workers are "contractors" and not "employees," and that the investigator gave him no citation.

Commissioner Taliaferro stated that Mr. Mason had told the Committee he has three or four employees and yet told the State that he has none. The Commissioner added that there was not enough information to discount Mr. Schioler, nor enough to discount Mr. Mason.

Street Artist Virginia Burris told the Committee that Mr. Mason is always busy making his items while on the street.

Ms. Strong stated that she was not a salesperson for Mr. Mason, and that at the time the Program Director photographed her display, she was not selling Mr. Mason's items. The cards she uses (to which her items are attached) are like Mr. Mason's; she had picked up some of his cards by mistake.

Commissioner Hanson moved that clarification be obtained from Mr. George Mukai, District Supervisor of the Division of Occupational Safety and Health, as to his Department's meaning of the word "employer"; that the case of Harry Mason and Kathryn Strong be sent back to the Advisory Committee for a review of the Advisory Committee's findings; and that - if the Advisory Committee is so inclined - Mr. Mason and Ms. Strong be screened for verification as a family unit. The motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Terry Harms. Mr. Lazar informed the Commissioners that on May 11, 1984, shortly before noon, he received a call from an artist at Justin Herman Plaza who complained that a street artist had set up an unlicensed saleswoman to sell his items at the Plaza. Mr. Lazar went to the Plaza and, at 12:30 p.m., photographed a female salesperson make a cash transaction with a customer for a jewelry item. There was a street artist certificate on her table; the photo part of the certificate was covered. Mr. Lazar found that that it belonged to Terry Harms and told the woman to stop selling and to take down the display. She took a half hour to remove the items; as she did so, she made another sale which Lazar photographed. Photos were taken of the merchandise on the table which included beads of a "satin" type finish in strands that appeared to be commercially manufactured. Several street artist witnesses told Lazar that they saw a man deliberately set up the saleswoman with the display at about 10:30 a.m., and that he was told by the artists that the Plaza was inspected. The incident and its report occurred when the previous Arts Commission Violation Code was in effect. Mr. Harms was therefore charged in violation of that Code, as follows: Street Artist Violation III (category of craft it certified, but one or more items

Continued.....

displayed does not appear to be of the artist's own creation); and Street Artist Violation V (salesperson selling for street artist). In addition, Mr. Harms was charged with violating Section 2404(b) Certificate: Transfer, Article 24.2, Part II, Chapter VIII, San Francisco Municipal Code ("Any Street Artist Certificate issued pursuant to the terms of this Article cannot be transferred to any other person as defined in Proposition 'L'.").

Mr. Lazar requested that this last charge be withdrawn. He also stated that Mr. Harms was presently under a six-week suspension of his certificate for failing to return his "Request Form for Standard Penalty or Appeal." (Street Artist Violation V allows an artist the option of accepting a standard penalty as per the Code, or of requesting a hearing before the Program Committee. Mr. Harms was notified that his "Request Form" had to be returned by June 7th, or the standard penalty would be imposed. The Program never received his form.)

Mr. Harms was sent notice that he was under suspension. Both the Police and the Lottery Committee were notified of this, too. On June 18th, Mr. Lazar was informed by members of the Lottery Committee that, on the previous day, Mr. Harms obtained a space through the lottery system. (Submitted was the lottery sign-in sheet bearing Mr. Harms' name beside a street space.) Mr. Harms was now charged with Street Artist Violation VIII (participation in the official lottery and/or selling during period of certificate suspension).

Mr. Harms told the Commissioners:

1) The woman was not selling for him; she was not his employee. (He submitted a letter of explanation signed, he said, by the woman.) He had removed his items from his table and had left the table with her in order to take care of a flat tire on her car. She became discouraged over not having gotten to her crafts fair, so she set up her own items on his table. Artists at the Plaza asked her who she was. She reached into Mr. Harms' suitcase and took out his street artist certificate and placed it on the table as a means of verifying that she was saving his space for him.

2) Some of the items that Mr. Harms purchases from wholesalers he sells to other people who, in turn, sell them in craft fairs; the woman was such a person.

The Committee heard from Mr. Dave Burns, owner of Skyline Imports, whose shop is in the Jewelry Center at 101 Utah Street. Mr. Lazar submitted samples of "satin" type beaded necklaces and other beaded necklaces. Mr Burns identified the former type as being sold by another wholesaler in the Jewelry Center; he stated that they appeared to be the same type as in Photograph #4 taken by Mr. Lazar at the time of the incident. Mr. Burns identified the other samples of beaded necklaces as his own,

Continued.....

imported from Greece and sold in his shop. He arranged them in the order, he said, in which they appeared in Photos #1, 2, and 3 taken by Mr. Lazar. He stated that seven of his necklaces appeared in Photo #1, five in Photo #2, and five in Photo #3. He further identified individual strands in the photos as also appearing in his catalogue which he showed to the Commissioners. With regard to the "satin" type beads, he stated that they are imported from Thailand, and that he knows other merchants who sell them.

Mr. Burns identified copies of Skyline Imports invoices dating from December 7, 1983 to June 1, 1984, bearing the name "Terry Harms," and listing the items and quantities purchased. Mr. Burns identified particular items listed as appearing in the photographs. (It was noted that two types of items sold to Mr. Harms on May 1st appeared, according to Mr. Burns, in the photos taken ten days later.)

Mr. Burns testified that Mr. Harms had told him he was a street artist. Through various conversations in which Mr. Harms requested that clasps and other features of Burns' necklaces be changed, Mr. Burns got the impression that Mr. Harms was selling the items on the street. Mr. Burns has other street artist customers who typically look for loose beads or broken strands out of which to make their own items. He said it was conceivable that some of his customers sell in fairs; he felt, however, that this was not typical.

Mr. Harms told the Committee that Burns' items are never on his display, and he said the Advisory Committee could verify this. Advisory Committee member Mark Ankeles stated that in the course of his monitoring duty, he has not seen Burns' items nor the "satin" type beads on Mr. Harms' table; however, he said, each time he has approached the table, Mr. Harms shoved a handful of items under the table.

Mr. Lazar was asked to enumerate the penalties for the three violations. They are suspensions of six weeks for S.A.V. III, six weeks for S.A.V. V, and one year for S.A.V. VIII.

Commissioner Taliaferro informed Mr. Harms of his right to appeal to the Arts Commission, the Board of Permit Appeals, and the court.

Commissioner Hanson moved that Mr. Harms be found in violation of the Arts Commission's Street Artist Violation Code adopted January 7, 1980, Street Artist Violations III, V, and VIII, that Mr. Harms' certificate be suspended for a period of one year, and that the two six-week suspensions relative to S.A.V. III an V run concurrently with the one-year suspension. The motion was seconded by Commissioner Taliaferro and unanimously approved.

II REQUEST BY STAFF FOR ADVISORY COMMITTEE COMPENSATION FOR STUDIO VISITS AND OTHER FUNCTIONS DEEMED APPROPRIATE BY THE ARTS COMMISSION

Mr. Lazar explained that, at present, the Advisory Committee receives $35

Continued.....

per member for each meeting held. Legislation was necessary to compensate the Committee for studio visits and other duties, as the weekend monitoring duty. He proposed that the same rate of compensation be applied.

Commissioner Hanson moved that legislation be submitted to the Board of Supervisors to provide compensation for the Advisory Committee of Street Artists and Craftsmen Examiners for studio visits and other functions deemed appropriate by the Arts Commission. The motion was seconded by Commissioner Taliaferro and unanimously approved.

Commissioner Taliaferro requested that - if it is possible - the compensation be retroactive.

III PROPOSAL FOR LOTTERY SYSTEM

The Committee heard a proposal from Street Artists Robert and William Clark to improve the lottery (space-assignment) system. Mr. William Clark stated that the concept of the proposal was to provide a larger number of spaces for allocation. Their initial proposal for one lottery for all spaces on one day of the week had been revised to a proposal for a lottery on two days a week, Monday and Friday. Mr. Clark read from a list of 34 reasons why he felt the proposal offered the artists greater advantages.

The Committee heard from Street Artists Bennett Weiss, Linda Stark, Virginia Burris, and Jill Schlesinger who were not in favor of the proposal, and Xavier LeBon who was in favor of it. Some of the objections were that the proposed lottery would take too long to run - three to four hours; opportunity would be eliminated for certain groups of artists who could not be present on the two lottery days; the proposal was sophisticated and unnecessary; the present lottery runs well - the problem is not with the lottery but with the "scams" that occur afterward. Many "scams" occur with people signing up for two spaces in one day, and in giving away their space.

The opponents expressed a counter-measure: retain the present system but add two types of lottery violations that would receive the penalties of the Commission's recently adopted "Hearing Procedure of Street Artist Violations; Penalties for Violations":

> Signing in for more than one space on any given day (all lotteries included). (Lottery sign-up sheets will be kept by the Arts Commission for a period of six months.)
>
> Failure to occupy a space for which the artist has signed on three separate occasions within a period of two months. (Occupying a space means an artist setting up the working display and the artist selling in the space for a minimum duration of three hours. In the event of a question of occupancy of a space, the Lottery Committee workers shall have available an Arts Commission document slip containing spaces for the signatures of three witnesses, to be submitted as evidence to the Arts Commission.

Continued.....

The artists asked that these two provisions be adopted now in time for summer.

Commissioner Taliaferro said the two provisions would solve a lot of problems. He added that a good number of provisions offered in the Clark Brothers' proposal were worthy of consideration in modifying the present system.

Commissioner Hanson moved that the words "on three separate occasions within a period of two months" be deleted from the second lottery provision and that both provisions be added to the list of violations enumerated in the "Hearing Procedure of Street Artist Violations," as follows (as underlined):

> " ... There shall be a penalty of two (2) months suspension of certificate for a first offense of any of the following violations, and there shall be a penalty of revocation of certificate for a second offense of any of the following violations if the person has been found in violation by the Arts Commission within the twelve-month period immediately preceding the current offense, and that finding has not been overruled by the Board of Permit Appeals: ...
>
> " ... 8) Signing in for more than one space on any given day (all lotteries included). (Lottery sign-up sheets will be kept by the Arts Commission for a period of six months.)
>
> " 9) Failure to occupy a space for which the artist has signed. Occupying a space means an artist setting up the working display and the artist selling in the space for a minimum duration of three hours. In the event of a question of occupancy of a space, the Lottery Committee workers shall have available an Arts Commission document slip containing spaces for the signatures of three witnesses, to be submitted as evidence to the Arts Commission. "

The motion was seconded by Commissioner Taliaferro and unanimously approved.

IV CORRECTION OF PROGRAM COMMITTEE MINUTES OF MAY 22, 1984

Commissioner Hanson moved that the May 22, 1984 Minutes of the Street Artists Program Committee be corrected as follows: Page 5, last paragraph (under "NEW BUSINESS") be replaced with "Commissioner Hanson reported that Supervisor Silver suggested exploring using the J. C. Penney Building sidewalk location as possible sites for street artists. The Commissioners asked Mr. Lazar to investigate the possibilities." The motion was seconded by Commissioner Taliaferro and unanimously approved.

The meeting adjourned at 5:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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City and County of San Francisco — Arts Commission

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

Commissioners

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Ex Officio Members:

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STREET ARTISTS PROGRAM COMMITTEE

Tuesday, July ~~24~~ 31, 1984 - ~~3:00~~ 2:00 p.m.

Main Library- Lurie Room (ground floor)
Larkin and McAllister Streets
San Francisco, California

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A G E N D A

I CERTIFICATE FEE INCREASE TO PROVIDE FOR TWO STREET ART INSPECTORS (CLASS 1840 JUNIOR MANAGEMENT ASSISTANT)

II REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Maria Son and Rang Woo Son - applied January 28, 1983.

B. You Shan Tang - applied June 24, 1982 and was screened December 20, 1983; did not obtain certificate.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Geoffrey Kington - Certificate # 2906 expired May 3, 1984; his letter-request received by office July 2, 1984.

B. Keith Donube - Certificate # 2880 expired June 2, 1984; his letter-request received by office July 5, 1984.

C. Nancy Ingwersen - Certificate # 2831 expired May 23, 1984; her letter-request received by office July 10, 1984.

D. Armand Frederick - Certificate # 2887 expired June 22, 1984; his renewal payment was postmarked July 10, 1984 (one day after final grace period day).

E. Christopher White - Certificate # 2694 expired October 29, 1983; his letter request received by office July 5, 1984.

IV HEARING OF LOTTERY COMMITTEE MEMBER RICHARD WASSERMAN: ALLEGED FAILURE TO APPEAR TO RUN LOTTERY TWICE DURING ELECTED TERM (NOTE: Lottery Rule VII: "INFRINGEMENTS OF GUIDELINES by Committee members may result, after a hearing conducted by the Art Commission, in dismissal from the Lottery Committee if ... Committee member fails to appear to run Lottery on his/her scheduled day, twice during their elected term.")

V NEW BUSINESS

* * *

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STREET ARTISTS PROGRAM COMMITTEE

July 31, 1984
Main Library - Lurie Room
Larkin and McAllister Streets
San Francisco, California

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M I N U T E S

Present: Commissioners Taliaferro and Hanson.

Chairman Taliaferro called the meeting to order at 2:15 p.m.

I HEARING ON CERTIFICATE FEE INCREASE TO PROVIDE FOR TWO STREET ART INSPECTORS

Program Director Lazar stated that this was his request for two additional positions for the Program - Class 1840 Junior Management Assistant - and gave his reasons:

1) The Director required assistance in the management of the Program, especially in the area of preparation for meetings and in investigative work.

2) The Program required the establishment of a chain of command; while there is a Clerk-Typist handling the issuance of certificates, there is no one assisting in the enforcement and administrative branches of the Program.

3) The Program required daily enforcement of its rules - especially its lottery rules. There has not been a general compliance with the Commission's recently adopted lottery regulations; artists are not willing to come forward and testify against violators. Two street art inspectors would be detailed to attend each lottery, obtain the sign-up sheet for spaces, and monitor the occupancy of the spaces hour by hour each day in order to verify that the spaces are being occupied legitimately.

The Commissioners asked what the fee would have to be in order to provide for the positions. Mr. Lazar stated that the positions with their mandatory fringe benefits would increase the budget from $48,000 to $94,505. This figure divided by the Program's 600 artists equals $157.58 for a yearly certification fee per artist. Mr. Lazar proposed that the present fee of $80 a year be doubled.

Mr. Lazar reported that the Advisory Committee of Street

Continued.....

Artists and Craftsmen Examiners said that they would continue in their weekend monitoring of the crafts sold on the streets but would reduce their time on the streets, as they had never intended this to be a permanent duty of theirs. Mr. Lazar estimated that the two new positions, once approved by the Board of Supervisors, could be filled by September or October. This would provide enough time to train the inspectors for the Christmas season.

Director of Cultural Affairs Claire Isaacs informed the Commissioners that the Board of Supervisors' Finance Committee has held these two positions in "reserve," anticipating the possible fee increase and the filling of the positions. She stated that new positions that come into the budget are funded only from the beginning of September and are funded for ten months in the first year. Because many departments are also trying to fill positions at that time, it may take a little longer, through Civil Service, to fill the two inspectors' positions. She said that October would be more realistic than September. The Commission would have to find out if there is a list and the state of that list. Since many departments call for the list at that time, there is always a backlog.

Commissioner Taliaferro stated that the Street Artists Program is over twelve years old and has never had a certificate fee increase, even though the cost of operating the Program has gone up. A fee increase for this purpose would certainly be in order.

Director Isaacs said that she was recommending on the increase in the sense that she believed that the work load is such that it is not possible for the Program's Director to certify and inspect and also serve at various hearings and appeals. She added that should the Director, for any reason, be unable to attend to any of these functions, the Program would be seriously jeopardized. It was highly important that there be assistance.

Commissioner Hanson moved that the street artist certificate fee be increased to $160 a year in order to provide for two positions, Class 1840 Junior Managemnt Assistant, for the Street Artists Program. The motion was seconded by Commissioner Taliaferro and unanimously approved.

II REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Maria Son and Rang Woo Son - applied January 28, 1983. Ms. Sofie Son appeared with her parents and spoke to the Commissioners on their behalf. She said that she and her parents have sold their items from the Longshoremen's parking lot on Taylor Street for the past five and a half years. When they started, their rent for the space was $140 a month; it then went up tp $250 and $350. Recently, their rent was raised to $540 with the requirement that a first and last month's rent be paid. She said they can no longer afford to rent from the Longshoremen's lot, that business is bad, and that her father can no longer work because of medical reasons. She was requesting that her parents be given priority, above the waiting list of applicants, in the issuance of

Continued.....

street artist certificates. She said they understood the Street Artists Program's requirement that the certificateholder makes what he sells, and she said her parents presently make almost everything they sell: seashell and cocoanut jewelry. She added that her parents cannot find another job because they do not speak English.

Commissioner Taliaferro said it would be difficult making a precedent for such reasons, that if a precedent were made, there would be no way for the Commission to say no to others who wish to be placed at the top of the list. Many of the artists, he said, have said that they cannot do anything else - some of them, too, come from other businesses for health reasons.

Commissioner Hanson agreed and added that one's sympathies go in one direction but the fairness to the Program must be considered.

Commissioner Hanson moved that the request for priority by Maria Son and Rang Woo Son be denied. The motion was seconded by Commissioner Taliaferro and unanimously approved.

Director Isaacs asked the applicants if they had investigated other sources to sell their work for them; Ms. Son replied that they had but could find no one. Commissioner Taliaferro wished them well for the next six months (when it is estimated that they will be called for a screening by the Program).

B. You Shan Tang - applied June 24, 1982, and was screened December 20, 1983; did not obtain certificate. Mr. Lazar explained that Mr. Tang, like all applicants had had ten working days from the date of his screening to obtain his certificate. Commissioner Taliaferro asked Mr. Tang why he had waited. Mr. Tang replied that his English is not good, that he had not understood the requirement. He had later become ill for two months and afterward got a graphic design job. Presently he has no job. With his street artist certificate, he intends to sketch portraits and sell paintings.

Commissioner Hanson moved that the request for priority in issuance of certificate by You Shan Tang be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Geoffrey Kington - Certificate #2906 expired May 3, 1984; his letter-request was received by the Program office on July 2, 1984. Commissioner Hanson moved that Mr. Kington's request be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Keith Donube - Certificate #2880 expired June 2, 1984; his letter-

Continued.....

request was received July 5, 1984. Commissioner Hanson moved that Mr. Donube's request be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Nancy Ingwersen - Certificate #2831 expired May 23, 1984; her letter-request received July 10, 1984. Commissioner Hanson moved that Ms. Ingwersen's request be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

D. Armand Frederick - Certificate #2887 expired June 22, 1984; his renewal payment was postmarked July 10, 1984 - one day after his final grace period day for renewal. Commissioner Hanson moved that Mr. Frederick's request be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

E. Christopher White - Certificate #2694 expired October 29, 1983; his letter-request was received July 5, 1984. Mr. White told the Committee that on October 15, 1983 he was committed by the mental health court judge to Cordilleras Mental Health Center in Redwood City. He said that someone had hit him from behind in Chinatown. He submitted letters on his behalf from G. Austin Conkey, M. D. and John Moe, Psychiatric Social Worker. He said he was released from the facility on July 3rd, and on the 5th he came to the Street Artists Program to request priority in obtaining a certificate. He said he felt he would be able to work the streets, but would not be up to handling a job of long hours, as working in a restaurant.

Commissioner Hanson moved that Mr. White's request be approved. The motion was seconded by Commissioner Taliaferro and unanimously approved.

Mr. White stated that he would sell only that which he had been approved to sell.

Commissioner Hanson moved that the requirement for a re-screening of his work be waived. The motion was seconded by Commissioner Taliaferro and unanimously approved.

IV HEARING ON LOTTERY COMMITTEE MEMBER RICHARD WASSERMAN: ALLEGED FAILURE TO APPEAR TO RUN LOTTERY ON TWO OCCASIONS

Program Director Lazar said he had received word that Mr. Wasserman had resigned from the Lottery Committee. The Commissioners requested Mr. Lazar to investigate this and - if Mr. Wasserman is still on the Committee - to reschedule the hearing for the following month.

V NEW BUSINESS

A. Request by Former Certificate-holder Phyllis Marten for Priority in Issuance of Certificate - Certificate #2372 expired February 28, 1984;

Continued.....

Ms. Marten telephoned the office on July 23, 1984 to request priority in issuance of certificate. She had been in Hawaii, had suffered a mental breakdown, lost her home and her marriage. She told the Commissioners that she had authorized her doctor to send a letter to the Program on her behalf.

Commissioner Taliaferro moved that Ms. Marten's request be approved with the stipulation that her certification be processed upon the Program's receipt of Ms. Marten's doctor's letter. The motion was seconded by Commissioner Hanson and unanimously approved.

B. Temporary Spaces for Christmas. Street artist Linda Stark requested the renewal of the temporary sales spaces for the Christmas season be placed on the Program Committee's agenda for August to allow sufficient time for action by the Board of Supervisors and the marking of the spaces by Public Works. The Commissioner requested that this be placed on the agenda.

C. Lottery System. Street artist William Clark asked when the Program Committee would place their lottery proposal back on the agenda. Commissioner Taliaferro asked about the present lottery situation. Ms. Stark said that the Commission's recently adopted second lottery regulation was "falling down" - no one was willing to bear witness to anyone else. The Clark Brothers took exception and called for enforcement of the rule. The problem is that some members of the Lottery Committee were not willing to do their job in enforcing the rule.

Commissioner Hanson moved that the following provision be adopted and disseminated: "Any street artist who wishes to occupy a space which is occupied by another artist who has not signed in for the space may file a complaint with any Lottery Committee member or Street Artists Program staff, for submittal to the Street Artists Program Committee." The motion was seconded by Commissioner Taliaferro and unanimously approved.

Street artist Robert Clark told the Commissioners that Mr. Ron Miller, Chairman of the Lottery Committee, is doing an excellent job. He requested the Program Committee to let Mr. Taylor know of their approval because (according to Mr. Clark) he is considering resigning due to pressure from other people in the Program.

Ms. Stark told the Commissioners that there are many artists of family units who believe they can obtain spaces for the other members of their units. She asked that the following provision be stated and disseminated: "No one may sign in for a space and give it to someone else, including family unit members." The Commissioners asked Mr. Lazar to see that this be disseminated.

Commissioner Hanson moved that the meeting be adjourned. The motion was seconded by Commissioner Taliaferro and unanimously approved. The meeting adjourned at 3:21 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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8/21/84

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

STREET ARTISTS PROGRAM COMMITTEE

August 21, 1984
Public Health Building, Room 300
101 Grove Street, San Francisco

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Vernon Alley
Timothy Duncan
William Gaylord
Jo Hanson
Robert LaRocca
Jacqueline Nemerovski
William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

Present: Commissioner Hanson.

Commissioner Hanson called the meeting to order at 2:07 p.m. The Commissioner explained that, with a lack of quorum, she would not be able to make recommendations but would indicate what her recommendations would be at the Commission meeting.

I RENEWAL OF TEMPORARY SALES SPACES FOR CHRISTMAS SEASON (PROPOSAL FROM STREET ARTISTS ASSOCIATION)

Program Director Lazar informed the Commissioner that he had attended a meeting with Mr. Lloyd Pflueger of the Downtown Association, Linda Stark of the Street Artists Association, and other artists, on the previous day, and agreement had been reached on the following points to be submitted for Arts Commission endorsement:

1) Re-designation of all the temporary downtown area selling spaces for street artists, as per the previous year's Board of Supervisors Resolution 960-83, for the period of November 23 - December 31, 1984.

2) Designation as permanent (year-round) spaces the four temporary spaces at BART Plaza, resulting from exemption of Police Code Section 2405(c-11).

3) Designation of four temporary spaces on Stockton Street, Post to Sutter, west side, near the Hyatt Hotel, contingent upon the approval of the Hotel.

Ms. Stark stated that the designation of the four extra spaces as permanent spaces at BART Plaza was much needed, as that area is used all year round.

Mr. Pflueger stated that his organization agreed completely with the proposal, and that he himself had recommended the extra spaces at BART Plaza, since the reduction of space between setups around the BART wall was not a safety problem.

Commissioner Hanson thanked the parties for their cooperation

Continued.....

and said she would recommend that the Commission endorse the entire proposal.

II HEARINGS ON ALLEGED VIOLATIONS

A. Harry Mason and Kathryn Strong. Mr. Lazar stated that he had received a letter from Mr. Mason and Ms. Strong requesting postponement of their hearings due to previously scheduled appointments. Mr. Lazar said that he did not feel there was a problem in postponing the hearings, for the following reasons: the hearings were a continuation of previous hearings which they had attended; relatively short notice had been sent to them; and their cases were of the previous Violation Code which allowed for presentation of satisfactory documentation explaining a first absence from a scheduled hearing. Commissioner Hanson said the hearings would be continued to the following month.

B. Mitchell Paradise. (ALLEGED VIOLATION: Display of items not in accord with Arts Commission criteria.) Mr. Lazar reported the following:

1) Photographs were taken of Mr. Paradise's display by the Advisory Committee members on three occasions - May 25, June 16, and July 20, 1984. The photographs (submitted as evidence) showed commercially manufactured pendants in necklaces and earrings.

2) On two previous occasions - May 2, 1983 and February 6, 1984 - the Arts Commission found Mr. Paradise in violation for displaying items not in accord with criteria (on the first occasion the penalty was suspended; on the second occasion, a four-week suspension was imposed in accord with the existing Violation Code).

3) On August 4, 1984, Mr. Paradise was witnessed by the Advisory Committee as setting up a table commercially manufactured cloisonne pendant earrings and die-cut earrings.

4) On August 18 (three days before this hearing), Mr. Paradise was again witnessed by the Committee as displaying a table "in violation. Brass pendant earrings, cloisonne, jade pendants."

Mr. Paradise stated the following:

1) Early this summer he was informed that his earrings did not meet the criteria; he was subsequently handed a sheet of paper which stated what the consequences would be. He then stopped selling all pendant necklaces and attempted to make his table conform to criteria. There

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were several times when the Advisory Committee came by and made no comment about his table. Those times when they did not take a picture he felt that they accepted he was in compliance.

2) He had been involved in a fight against the bead criteria and continued to fight long after other people abandoned him in the fight.

3) He found himself with an enormous amount of material to sell and therefore continued to sell the items that were seen in violation.

4) On July 20th, the Advisory Committee took photos of his table and told him that the items were still in violation.

5) There are many other items being sold on the street that are not too dissimilar from what he is selling; cloisonne and enameling are easily identifiable.

Mr. Paradise showed the Commissioner earrings that he had made, which met the criteria, and said he was having success with them and was not just displaying pendants.

Commissioner Hanson stated that she would recommend that Mr. Paradise be found in violation for displaying items not in accord with Arts Commission criteria and that his certificate be suspended for two months (as per the present "Hearing Procedure of Violations").

C. John Cracas. (ALLEGED VIOLATION: Display of items not of the artist's own creation.) Mr. Lazar reported the following:

1) On July 23, 1984, at 3:00 p.m., he (Lazar) observed a display of commercially manufactured cloisonne-type haircombs, jewelry, and cigarette-lighter covers, on Jefferson Street, adjacent to the display of Gerard Pepper Cracas. There was no one behind the cloisonne display. At 3:25 p.m., John Cracas arrived on a motorcycle and took charge of the display. At 3:32 p.m. he accepted money from a customer, handed it to his father, Gerard Cracas, who made change and handed the amount back to John who, in turn, handed the change to the customer. Lazar took a photo of the display (submitted as evidence). John covered the display at 3:45 p.m.

John Cracas stated the following:

1) On various occasions he has watched the table of Richard Webster while Webster takes a break. On this occasion, he drove up on his motorcycle and saw that Webster's table was unattended. He did not recall making any sales for him.

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Gerard Pepper Cracas stated the following:

1) In defense of his son, who is sixteen and just got his certificate thirty days prior to the incident, he (Gerard) as a father neglected to make sure his son was clear on the rules. His son was not clear.

2) Richard Webster is a friend of John; John was not in any position to sell.

3) Perhaps John ended up doing something inadvertently; he (Gerard) did not know his son was making a sale, as Gerard was busy working and made change for him but did not notice a sale being made.

4) If his son is found in violation, the circumstances should warrant leniency and consideration in waiving the suspension. He should be allowed the benefit of the doubt.

Commissioner Hanson explored the possibility of John's ignorance of the law. Mr. Lazar stated the law governing the Program was simple: the certificate-holder makes his own items and sells them himself. Furthermore, the entire purpose of the examination of the artist's items is to verify that they are of the artist's own creation. At his screening, John brought only his drawings to show the Committee; he was asked to do a drawing, and he did. He, like all applicants for a certificate, signed an application which states "I swear, under penalty of perjury, that the art or craft item(s) listed above is of my own creation or the creation of my family unit...." He (Lazar) would have given John the benefit of the doubt - that he might be watching someone else's display - had John not sold an item off the display.

Commissioner Hanson stated that she would recommend that Mr. John Cracas be found in violation for displaying items not of his own creation and that his certificate be suspended for two months.

D. Richard Webster. (ALLEGED VIOLATIONS: (1) Display of items not of the artist's own creation; (2) Display of items and/or participation in Arts Commission lottery by artist during period of certificate suspension.) Mr. Lazar reported the following:

1) On July 24, 1984, Lazar photographed Mr. Webster's display; and on July 29, 1984, Advisory Committee member Mathew Porkola photographed Webster's display; the photos (submitted as evidence) showed commercially manufactured cloisonne-type haircombs, jewelry, and cigarette-lighter covers.

2) On April 4, 1983, the Arts Commission found Mr. Webster in

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violation for displaying items (the same type as in the present charge) not of his own creation; the Commission suspended the penalty.

3) On March 5, 1984, the Commission suspended Mr. Webster's certificate until his completion of his hearing procedure on the charge, again, of displaying items not of his own creation. (He was suspended, in accord with the existing Violation Code, for failing to appear at his scheduled hearings.)

4) At the time of the present charged violations (July 24 and 29, 1984) he was - as he is now - under suspension.

5) On July 20, 1984, when he came to the Program office to renew his certificate, he signed for and received the Arts Commission's present "Hearing Procedure of Street Artist Violations; Penalties for Violations."

6) On August 12, 1984, the Advisory Committee again photographed Mr. Webster's display; according to the Committee, he was "selling cloisonne haircombs & earrings & barrettes obviously not made by artist."

7) The Program received a letter from Mr. Webster, dated August 17, 1984, stating that "due to the possible consequences on my license, five days is insufficient time for me to gather witnesses and discuss legal ramifications with my attorney who is on vacation." Prior to his notice of the hearing date, Mr. Webster was notified on August 1st of the charges and that he would be sent notice of a hearing scheduled in August.

8) On August 18th - one day after the date on Mr. Webster's letter - Mr. Webster was observed by the Advisory Committee as having an "entire display of fake cloisonne."

9) The "Hearing Procedure of Street Artist Violations" provides that "failure to appear for any violation hearing may result in a Program Committee recommendation of the penalty for the violation of which the artist has been charged. If this recommendation is approved by the Arts Commission, the artist may either file an appeal with the Board of Permit Appeals within ten days or request a rehearing with the Program Committee within ten days from the date of the Commission's resolution."

Commissioner Hanson stated that she would recommend that Mr. Webster be found in violation for (1) displaying items not of his own creation, and (2) displaying items and/or participation in Arts Commission lot-

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tery during period of certificate suspension, and that his certificate be suspended for four months (in addition to the present suspension).

III RELOCATION OF SALES SPACES ON LEAVENWORTH STREET (PROPOSAL FROM PORTRAIT ARTISTS)

Mr. Brian Hopper was present and representing four other portrait artists who had signed a letter requesting that two sales spaces which were eliminated by a recently placed doorway in the Cannery, be relocated near the east entrance to the Cannery. Mr. Lazar informed Commissioner Hanson that the proposed relocation was adjacent to a white-zone curb, that the Board of Supervisors would have to waive the regulation prohibiting street artist displays by white zones, and that he had talked with the Cannery's General Manager, Christopher Martin, who said he had no problem with the relocation.

Commissioner Hanson stated that she would recommend that the Commission request the Board of Supervisors to exempt the area from the regulation prohibiting selling adjacent to a white zone in order for the Department of Public Works to relocate street artist spaces #9 and #10 near the east entrance of the Cannery, adjacent to a white zone.

IV REQUEST BY APPLICANT FOR POSTPONEMENT OF SCREENING

A. Joyce Garvey (applied December 8, 1981; letter requesting postponement of screening to July, 1985). Commissioner Hanson said she would recommend that the Commission approve Ms. Garvey's request.

V NEW BUSINESS (REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE)

A. Paul Adam (Certificate #2508 expired July 26, 1984). Commissioner Hanson said she would recommend that the Commission approve Mr. Adam's request.

B. Janet Silva (Certificate #2962 expired June 27, 1984). Commissioner Hanson said she would recommend that the Commission approve Ms. Silva's request.

C. Chuck Wing Lee (Certificate #2913 expired June 26, 1984). Commissioner Hanson said she would recommend that the Commission approve Mr. Lee's request.

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Street Artist Robert Clark asked that his forthcoming proposal for a new election procedure for the Lottery Committee be placed on the agenda of the November meeting of the Street Artists Program Committee. He said he would send the Program a letter detailing the proposal.

The meeting adjourned at 3:23 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

City and County of San Francisco **Art Commission**

Claire N. Isaacs
DIRECTOR

Memorandum

DATE: August 22, 1984

TO: All Commissioners

FROM: Howard Lazar

RE: Recommendations of Street Artists Program Committee for Arts Commission Meeting of September 5th

Due to a lack of quorum at the meeting of the Street Artists Program Committee on August 21, 1984, the following recommendations will be submitted as part of the Committee's report, on the agenda of the September 5th Arts Commission meeting:

1) Approval of proposal from Street Artists Association for re-designation of temporary sales spaces for Christmas season:

   (a) Re-designation of all temporary downtown selling spaces for street artists, as per the previous year's Board of Supervisors Resolution 960-83; for the period of November 23 - December 31, 1984.

   (b) Designation as permanent (year-round) spaces the four temporary spaces at BART Plaza, resulting from exemption of Police Code Section 2405(c-11).

   (c) Designation of four temporary spaces on Stockton Street, Post to Sutter, west side, near the Hyatt Hotel, contingent upon the approval of the hotel.

2) Approval of finding: Mitchell Paradise violation of displaying items not in accord with Arts Commission criteria; suspension of certificate for two months.

3) Approval of finding: John Cracas violation of displaying items not of his own creation; suspension of certificate for two months.

4) Approval of findings: Richard Webster violations of (a) displaying items not of the artist's own creation, and (b) displaying items and/or participation in Arts Commission lottery by artist during period of certificate suspension; suspension of certificate for four months (in addition to present suspension).

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5) Approval to request Board of Supervisors to exempt area on Leavenworth Street, Beach to Jefferson (west side) from Police Code Section 2405 (c) (8) (1), in order for Department of Public Works to relocate street artist spaces #9 and #10 near the east entrance of the Cannery, adjacent to white zone.

6) Approval of request by applicant Joyce Garvey for postponement of screening to July, 1985.

7) Approval of request by former certificate-holder Paul Adam for priority in issuance of certificate.

8) Approval of request by former certificate-holder Janet Silva for priority in issuance of certificate.

9) Approval of request by former certificate-holder Chuck Wing Lee for priority in issuance of certificate.

* * *

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10/23/84

Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

STREET ARTISTS PROGRAM COMMITTEE

October 23, 1984
Main Library - Lurie Room
Larkin and McAllister Streets
San Francisco, California

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William Paterson
Piero Patri
Peter Rodriguez
Ray Taliaferro

Ex Officio Members:

Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

Commissioners Present: Jo Hanson, Ray Taliaferro

Chairman Taliaferro called the meeting to order at 2:04 p.m.

I HEARINGS ON ALLEGED VIOLATIONS

A. Harry Mason. Commissioner Taliaferro reported that the Advisory Committee of Street Artists and Craftsmen Examiners, at the request of the Program Committee, had met that morning to review their findings on Mr. Mason's alleged violations and were recommending dismissal of all charges, based on a lack of evidence. Commissioner Taliaferro moved that the charges against Mr. Mason - of allegedly displaying items not of the artist's own creation and of allowing a salesperson to sell for him - be dismissed; the motion was seconded by Commissioner Hanson and unanimously approved.

B. Kathryn Strong. The Advisory Committee had reviewed their findings on Ms. Strong's alleged violation and were recommending dismissal of the charge. Commissioner Hanson moved that the charge against Ms. Strong - of allegedly displaying items not of the artist's own creation - be dismissed; the motion was seconded by Commissioner Taliaferro and unanimously approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Barbara Englebert - Certificate #2721 expired September 9, 1982; her request for priority was received by the office on September 13, 1984. Ms. Englebert was not present. The Commissioners read her letter which stated that her "sister suddenly passed away in late August" (1982) "and I was forced to return to Europe and take care of some family difficulties for a while." Commissioner Hanson moved that Ms. Englebert's request for priority be disapproved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

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B. Jeannie Mak - Certificate #2791 expired August 3, 1984; her request was received October 9th. Commissioner Hanson moved that Ms. Mak's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Meredith Nelson - Certificate #2711 expired August 24, 1984; her request was received October 11th. Commissioner Hanson moved that Ms. Nelson's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

D. Richard Blue - Certificate #2323 expired October 1, 1984; his telephone call requesting priority was received October 18th. Commissioner Hanson moved that Mr. Blue's request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

III REQUESTS BY APPLICANTS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Joseph Williams - applied November 6, 1978, was notified two years later to respond whether he was still interested in obtaining a certificate, and responded November 3, 1980 with a request to postpone screening. Mr. Williams asked the Program Committee to end the postponement. Commissioner Hanson moved that Mr. Williams' request for priority be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Viggo Petersen - applied March 14, 1983 and was on the present two-year waiting list for a screening. Mr. Petersen presented a letter from rehabilitation counselor Ray Nishimura of the Department of Rehabilitation certifying Mr. Petersen's disability. Mr. Petersen requested priority in issuance of certificate, on the basis of disability. He said that at the time he had applied, he had been told that the wait would be a year and a half; now the waiting period was two years. Commissioner Taliaferro explained the premise of the Commission's "atrition policy" for screening - the lack of space to accommodate the number of artists - and added that he estimated that forty per cent of the artists had entered the Program due to a disability; it would be difficult to grant priority for this for Mr. Petersen when it had not been done for others. Commissioner Hanson moved that Mr. Peterson's request be disapproved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

IV HEARING ON RELOCATION OF BEACH STREET SPACES (AT HYDE STREET)

Commissioner Taliaferro reported that, on the previous Friday, he had met with Officer Ray West, Stanley Roth of S. F. Pretzel Co., and Linda Stark of the Street Artists Association, at the corner of Beach and Hyde Streets to see if Ms. Stark's proposal to move the

Continued.....

street artist spaces closer to the corner would work. They had concluded thatit would not, due to the potential congestion generated by the street peddlers and the street artists. Future proposals, he said, may be expected to request an increase in the number of Beach Street spaces by reducing the width regulation between the present spaces.

Commissioner Hanson moved to disapprove the proposal from the Street Artists Association to relocate the street artist spaces on Beach Street (at Hyde); the motion was seconded by Commissioner Taliaferro and unanimously approved.

It was stated that Program Director Lazar would be contacting the Department of Public Works to re-mark the present space locations and, at the request of all parties, to paint a "demarkation line" prohibiting street artists east of the first space.

V NEW BUSINESS

A. Christmas Spaces. Mr. Lazar reported that, on the previous day, the Board of Supervisors unanimously resolved to provide the requested temporary spaces for the Christmas selling season and also unanimously voted to provide the requested additional four permanent spaces at BART Plaza.

B. Request by Applicant Janet Christian for Postponement of Screening. Ms. Christian applied December 31, 1981 and was notified for a screening scheduled in September, 1984. Her letter, received on October 9th, requested postponement of screening until summer of 1985. Commissioner Hanson moved that Ms. Christian's request for postponement be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

C. Atrition Policy. Mr. Lazar reported that the Program was not fully maintaining its "atrition policy" of screening new applicants at a monthly rate in accord with the number of people dropping out of the Program each month. He stated that, of the number of new applicants notified for screening (to replace the same number of dropouts), only about half of the newcomers would show, leaving a "deficit" in each month's atrition and revenue. This gap has largely been filled by the Commission's "re-instating" former certificate-holders. Nevertheless, there remained the potential for a continuing unfilled atrition quota. The Commissioners directed Mr. Lazar to maintain the requirements of the "atrition policy" by adding several extra applicants to the atrition quota for each screening, and, in the event of a 100% turnout at a screening, to subtract the number of extra applicants from the number to be filled on the following month.

Commissioner Hanson moved to adjourn the meeting; the motion was seconded by Commissioner Taliaferro and unanimously approved. The meeting adjourned at 2:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar

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Dianne Feinstein
MAYOR

Claire N. Isaacs
DIRECTOR

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Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation and Park
Commission

STREET ARTISTS PROGRAM COMMITTEE

November 20, 1984
Main Library - Commission Room
Larkin and McAllister Streets
San Francisco, California

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Present: Commissioners Hanson and Taliaferro.

Chairman Taliaferro called the meeting to order at 3:07 p.m.

I REQUESTS BY APPLICANTS FOR POSTPONEMENT OF SCREENING

A. Coleman F. Fung - Letter received October 22, 1984 from Mr. Fung requesting postponement of screening to November, 1985. Commissioner Hanson moved that Mr. Fung's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

B. Susan A. Barber - Letter received October 27, 1984 from Ms. Barber requesting postponement of screening to January, 1985. Commissioner Hanson moved that Ms. Barber's request be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

II HEARING ON ALLEGED VIOLATION

A. Abel Padilla (Certificate #686). (The Program was charging Mr. Padilla with the violation of conducting business in a disorderly and improper manner, based upon complaints submitted to the Program office by the public, of alleged verbal abuse, harrassment, and intimidation of the public.)

Commissioner Taliaferro asked Mr. Padilla if he was guilty or not guilty. Mr. Padilla responded that he did not "feel guilty." He sumitted a letter to the Committee. Program Director Lazar was asked to summarize each of the complaints.

Mr. Lazar reviewed the letters and records of telephone complaints of eight persons alleging verbal abuse and harrassment by Mr. Padilla. These persons included a tour bus driver, a waitress and a manager of the Cliff House, the Director of the Bayview Opera House, a disabled person, and personnel of the National Park Service. In addition, Mr. Lazar reviewed witness statements given to him by three Police officers and an attorney.

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The Committee questioned Mr. Padilla on his alleged insults to the Bayview Opera House Director, the Cliff House waitress, the handicapped man, and the black laborer marking the highway. Mr. Padilla responded that his English was poor; that he meant no harm in calling a black lady "mama" since in his country, Mexico, many women are referred to as "mamasita"; that the disabled man uses a loudspeaker to rout people out of the handicapped parking zone and that he wants people to feel sorry for him; that the black laborer "acted" as if he were joking with Padilla and his partner Ms. Burkett; and that people can now interpret the Arts Commission's "bluebook" of street artist rules in such a way as to "set you up" and "come over and harrass you."

Mr. Padilla was questioned about his alleged abusive all-day parking in the handicapped zone. He replied that his handicapped card stipulates no time limit.

He was questioned about the Police report of complaints from tourists whom Padilla would allegedly charge $10 for a belt and buckle and then - after paying the ten - would be asked to pay an additional $5 for the buckle. To this, Ms. Burkett replied that there was only one incident over a belt-buckle situation in which they had to call the Police on a customer. She added that the incident with the tour bus driver was "a personal matter" and was being handled by their insurance; that every citation they ever received was dismissed; and that the Police officers who made statements against them were under investigation. (She showed letters to the Committee.) She said that Padilla's first comment to a customer is "If you have questions, just ask." Mr. Padilla added: "If a person respects my property, I say you are welcome to make yourself at home."

Officer James Bosch, Star 720, told the Committee that as long as he has been on his beat, from the first day, he has had to handle complaints about Mr. Padilla. He has found it "incredulous" that "two people could treat other human beings in a constant heinous manner." He described Padilla's approach to his customers as "abusive and corraling - 'Why don't you buy? You're too cheap.' " He stated that both Padilla and Burkett each bring their vehicles and occupy both handicapped zones; he said that this practice is difficult for the Police to enforce, as the DMV has not allowed for "gross abuse and misuse." He said that the zones were placed for the safety and convenience of handicapped people visiting the Cliff House, and yet these visitors are inconvenienced. He said that Padilla's and Burkett's attitude toward civil servants "is a gross lack of any kind of personal respect," and added that Padilla's comments to the black man "were known to me as 'a lazy civil servant.'" He further commented that Padilla and Burkett had called certain Police officers of both sexes abusive names; that they "have created a large scale Police problem at Richmond Station, the mounted Police patrol, and the GGNRA; that they have driven away other artists; and that "they have demeaned ... the Art Commission, the artists, and the people of San Francisco."

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Ms. Burkett stated that Officer Bosch had no right to tow Mr. Padilla's truck away, that it was legally parked. She denied the allegation that they sold from their truck. She said they do quality work for which countless customers come back to see them.

Commissioner Taliaferro stated that he was concerned with their overall cunduct when operating under a permit of the Arts Commission, and that in the twelve years of administering the Street Artists Program, the Commission has never - until now - had a hearing on disorderly or improper conduct. He said that he was convinced that their business has been conducted in an improper manner.

Commissioner Hanson stated that in view of the volume of complaints and the feeling behind them, Padilla and Burkett - whether they are right or wrong - are the center of enormous conflict; if they were to continue operating, it did not seem that the conflict would stop. With respect to the ethnic insults, Commissioner Hanson said that it was fact that the Director of the Bayview Opera House and the attorney with her had had an unfortunate experience, and that she would not suspect either of them as lying. She added that it is common knowledge calling a black woman "mama" is insulting ... It demeans the Program and it reflects badly on the Commission. If no action were to be taken, this would be insulting to the people who made the complaints. She said that this pattern of behavior gave little reason to believe there would be a change. It is the logic of a suspension that there would be a change.

Officer Bosch stated that he felt a suspension "will feed the fire" and that he felt that Padilla and Burkett had "created a bad situation at the Cliff House." He said there were other places, like flea markets, where they could make a living.

Commissioner Hanson moved that the certificates of Abel Padilla and Kerlene Burkett be revoked; the motion was seconded by Commissioner Taliaferro and unanimously approved.

Commissioner Taliaferro told Mr. Padilla and Ms. Burkett that it was their right to appeal to the full Arts Commission (December 3rd), as well as to the Board of Permit Appeals and to court.

III CANDIDATES FOR ADVISORY COMMITTEE MEMBERS

Commissioner Hanson moved that the following list of candidates, ranked in order of preference, be submitted to the Mayor for four positions on the Advisory Committee of Street Artists and Craftsmen Examiners; the motion was seconded by Commissioner Taliaferro and unanimously approved:

For the expired term of Betsy Meyers (term expiring Novemver 27th):
1. Betsy Meyers (incumbent) - metalsmithing; jewelry.
2. Stephanie Tsoukalas - photography; leathercraft.
3. Kelly Wilhelm - textiles; weaving.

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For the expired term of Sherri Smith (term expiring November 27th):
1. Sherri Smith (incumbent) - painting; metalsmithing.
2. Rudy Martinez Pino - photography.
3. Jean Schwartz - painting; pottery.

For the position vacated by Sandra McGinley (term expiring November 27, 1985):
1. Ed Kyto Rhy Poskus - textiles; weaving; ceramics.
2. Laura C. Hopkins - weaving; graphics; drawing; painting.
3. Kathryn McCampbell - photography; painting.

For the position vacated by Mark Ankeles (art educator member; term expiring November 27, 1985):
1. Frank Baresick - painting; sculpture; ceramics; cast and fabricated jewelry.
2. Falko Strunz - printmaking; lithography.
3. Haro Kagemoto - printmaking; photography.

IV PROPOSAL FROM STREET ARTISTS ASSOCIATION FOR "STREET ARTIST LIAISON COMMITTEE" ON MATTERS OF PROGRAM BUDGET AND PERSONNEL

Street Artist Linda Stark, President, Street Artists Association, outlined a proposal for a committee of street artists to advise the Program on cost-saving measures, personnel hiring, and budget. Such a committee would work with Mr. Lazar and would be an avenue through which the street artist community would feel itself a part of the operation of the Program. Members could be selected by a vote of the artists or by the Program office in calling for volunteers. Ms. Stark said that many artists had mixed feelings about the fee increase because they feel they do not have a direct say in how their money is spent.

Street Artist William Clark expressed dount that the artists could ever be unified. He said he did not understand Ms. Stark's motive, and that a new committee would require additional meetings and notices sent by the Program. He added that people, choosing to remain independent, would be pressured and feel intimidated to express their personal views; however, he said, he was not opposed to the proposal.

Commissioner Hanson said that, as her Committee's time spent on violations diminishes, it would be advantageous to spend more time on the Program itself, and Ms. Stark's proposal could be one way of being very useful. The Commissioner asked Mr. Lazar his views, and he replied that he endorsed the concept of the new committee.

Commissioner Hanson moved that the proposal from the Street Artists Association for a Street Artist Liaison Committee on Matters of Program Budget and Personnel be approved; the motion was seconded by Commissioner Taliaferro and unanimously approved.

V NEW BUSINESS

Mr. Lazar referred the Committee to Mr. William Clark's letter-request

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for a City Attorney opinion on whether the Arts Commission has "summary powers to abate a public nuisance by revoking or suspending any Street Artist's certificate if that individual operates in a manner that creates a public nuisance." Mr. Lazar stated that last spring the City Attorney's office had verbally clarified that the Arts Commission is not mandated to enforce the Police regulations (as these are part of the Municipal Code), and the Commission may defer to the Police for their enforcement.

Mr. Clark told the Committee that it was his understanding that an agency has the right to revoke a license prior to a public hearing if the licensee constitutes a public nuisance, and that a public nuisance is defined as any illegal structure on public property.

Mr. Lazar asked the Committee for permission to write to the City Attorney for clarification on these matters. The Committee directed him to do so.

The meeting adjourned at 4:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar